



# City of Harrisonburg, Virginia

## Planning Commission Meeting

September 14, 2011

7:00 p.m.

Regular Meeting  
409 South Main Street

- 1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the August 10, 2011 regular meeting.**

- 2) **New Business**

*Preliminary Plat – Resubdivision of Lot 2, Deyerele Subdivision Section 25 (Litten & Sipe Property)*

Consider a request from LISIMI LC to preliminarily subdivide a 5.3-acre parcel into two lots. The property, zoned B-2, General Business District, is located at 410 Neff Avenue and can be found on tax map 80-B-2.

*Rezoning – Proffer Amendment 120 West Wolfe Street*

Public hearing to consider a request from WRockstreet, LLC to revise proffers on two parcels totaling .52 +/- acres zoned B-1C, Central Business District Conditional. The properties are addressed as 120 West Wolfe Street and can be found on tax maps 35-O-4 & 5.

*Rezoning – Brookside Park Amendment 2011 Submission #2*

Public hearing to consider a request from Diversified Development Solutions, LLC, Pedro Rojas Santiago, Clemencia Rojas Sanchez, Victor and Raquel Martinez, Eduardo Hernandez-Tapia, Libia Hernandez, Fernando Bustillos-Sosa, Derek and Vanessa Corson, Carlos D. Arebalo-Erazo, Huber E. Lobo, Mark and Christine Say, Jose and Nardy Funes, Ferguson Investments, LLC, Jose Girardo Perez-Maya, Ofelia Grandia-Acosta, Komal C. Vaish, Ernesto R. Esparza, Maria Guadalupe De Esparza, Maria E. Portillo, and Norma D. Medina to revise 36 lots totaling 7.11-acres of R-7, Medium Density Mixed Residential Planned Community zoned parcels. The properties are located along Suter Street, Drake Lane, and Roberts Court and can be found on tax map parcels 40-A-24A, 25-29 & 40-B-37, 40-68.

*Subdivision Ordinance Amendment – 10-2-23 & 25*

Public hearing to consider a request to amend the Subdivision Ordinance Sections 10-2-23 & 25 to update certain application fees.

- 3) **Unfinished Business**
- 4) **Public Input**
- 5) **Report of secretary and committees**

*Proactive Zoning*

- 6) **Other Matters**  
*Update on the Draft Parking Lot Landscaping Ordinance*

- 7) **Adjournment**

Staff will be available Monday October 10, 2011 at 4:30 p.m. for those interested in going on a field trip to view the sites for the October 12, 2011 agenda.

## MINUTES OF HARRISONBURG PLANNING COMMISSION

August 10, 2011

The Harrisonburg Planning Commission held its regular meeting on Wednesday, August 10, 2011, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, MuAwia Da'Mes (arrived at 7:07), Alan Finks, Deb Fitzgerald, and Bill Jones.

Members absent: Judith Dilts and Henry Way.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with four of seven members in attendance. He then asked if there were any corrections, comments or a motion regarding the minutes from the July 13, 2011 Planning Commission meeting.

Mrs. Fitzgerald moved to approve the minutes from the July 13<sup>th</sup> Planning Commission meeting.

Mr. Finks seconded the motion.

Mr. Chenault abstained from voting because he was not in attendance at the meeting.

All voted in favor of approving the minutes. (3-0)

### New Business

#### ***Zoning Ordinance Amendment – 10-3-118 and 10-3-139 (c) Application Fee Increases***

Chairman Jones read the request and asked staff to review.

Mr. Fletcher said staff is recommending two City Code amendments to reflect current application costs. With the implementation of the City's 2011/2012 fiscal year budget, Section 10-3-118 of the Zoning Ordinance, which stipulates the fees for requesting a rezoning or comprehensive plan amendment, should be updated to reflect the newly adopted application fees.

During the most recent budget proposal process, staff proposed increasing the base fee by just over 15 percent, from \$325.00 to \$375.00. We also proposed increasing the per-acre cost by 20 percent, from \$25.00 per acre to \$30.00 per acre.

This fee change also increased the application cost for special use permits (SUP) because Section 10-3-127 of the Zoning Ordinance indicates that the procedures for applying for a SUP are the same as prescribed in Article U, which includes the section for this proposed amendment.

Since the budget was approved as presented for this matter, Section 10-3-118 should be amended as follows:

Each request for amendment to this chapter, including the zoning map and for amendment to the comprehensive plan, shall be accompanied by a check for ~~three hundred twenty-five dollars (\$325.00) plus twenty-five dollars (\$25.00)~~ three hundred seventy-five dollars (\$375.00) plus thirty dollars (\$30.00) per acre made payable to the city.

In addition, if the rezoning or comprehensive plan amendment requires a traffic impact analysis review by the Virginia Department of Transportation (VDOT), then all additional fees for those reviews shall be made payable to the Virginia Department of Transportation. If the rezoning or comprehensive plan amendment requires a traffic impact analysis review,

only by the city, then one thousand dollars (\$1,000.00) shall be made payable to the city.  
These applications shall not be considered accepted until the TIA has been reviewed.

Similar to the Code amendment submission above, during the 2011/2012 budget proposal process, staff proposed increasing the application fees regarding matters associated with the Board of Zoning Appeals (BZA). Section 10-3-139 (c) (1) and (2) indicate the fees that must be submitted when requesting a BZA hearing to appeal an administrative decision by the Zoning Administrator and when requesting a variance from the Zoning Ordinance, respectively.

Since the budget was approved as presented for the fee increase to the above mentioned requests, Section 10-3-139 (c) shall be amended to reflect the accurate application costs. Although the amendment as shown below reflects costs increasing from \$175.00 to \$275.00, the actual increase was only 10 percent. This is because the application fees for these matters were increased during the 2007/2008 budget process, from \$175.00 to \$250.00, but the Code was never updated to reflect the change.

Section 10-3-139 (c) should be amended as follows:

*(c) Filing Fees:*

- (1) All persons, firms or corporations appealing to the board of zoning appeals shall be required to pay, at the time the application is submitted, ~~one hundred seventy-five dollars (\$175.00)~~ two hundred seventy-five dollars (\$275.00) per request for expenses relative thereto.
- (2) All persons, firms or corporations applying for variances under the provisions of this chapter or applying for an amendment of a variance already approved shall be required to pay, at the time the application is submitted, ~~one hundred seventy-five dollars (\$175.00)~~ two hundred seventy-five dollars (\$275.00) per request for expenses relative thereto.
- (3) The payment of such money in advance to the office of the administrator as specified shall be deemed a condition precedent to the consideration of such appeal, variance request or requested amendment to a variance already approved.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if there was anyone wishing to speak in favor of or in opposition to the proposed amendment. Hearing none, he closed the public hearing and asked for a motion.

Mrs. Fitzgerald moved to approve the amendments as written.

Mr. Chenault seconded.

Chairman Jones called for a voice vote on the motion.

All voted in favor (4-0) of the motion to recommend approval of the ordinance amendments.

***Zoning Ordinance Amendment – 10-3-13 Penalties (Removal of Fine Reference)***

Chairman Jones read the request and asked staff to review.

Mr. Fletcher said staff is proposing to amend the City Code Section 10-3-13, which specifies the penalty associated with violating the provisions of the Zoning Ordinance. Currently, this section indicates that if someone violates the Zoning Ordinance, they could be convicted of a misdemeanor and may be required to pay a fine of up to \$1,000.00. Staff would like to update this part of the

Code by indicating the class of misdemeanor for this type of conviction while also removing the fine associated with the charge to allow the courts to determine the appropriate punishment. Staff is recommending Section 10-3-13 be amended as shown below:

Any person, firm, or corporation found in violation of any provision of this chapter, upon conviction shall be guilty of a class 1 misdemeanor, ~~and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00).~~

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if there was anyone wishing to speak in favor of or in opposition to the proposed amendment. Hearing none, he closed the public hearing and asked for a motion.

Mr. Chenault moved to approve the ordinance amendment as presented.

Mr. Finks seconded the motion.

Chairman Jones called for a voice vote on the motion.

All voted in favor (4-0) of the motion to recommend approval of the ordinance amendment.

#### **Unfinished Business**

None.

#### **Public Input**

None.

#### **Report of secretary and committees**

Mr. Fletcher said proactive zoning targeted the Keister Elementary section of the City, where they found eight violations consisting of inoperable vehicles and discarded materials. Next month the Zoning inspectors will be inspecting the 500-600 Block of South Main Street.

#### **Other Matters**

Mr. Fletcher said I want to bring up the discussion of potentially amending Chapter 11 of the Comprehensive Plan; specifically, the reference to the Northwest Connector. The Northwest Connector is an approximate three mile road improvement connecting Garber Church Road and Switchboard Road to Route 42 in the County. Most of this connector lies within the County; there is approximately 1,000 feet within the City that we would be responsible for. There was discussion with the Metropolitan Planning Organization (MPO) and the City Council meetings about whether or not this road and other associated roads, such as the Southeast Connector and the Southwest Connector, should be shown on the City's Comprehensive Plan. I spoke with members from the Technical Advisory Committee (TAC) from the MPO and they all said that as of this time they have not made a decision whether they will remove the Northwest Connector from the MPO Constrained Long Range Plan (CLRP). I also spoke with Rhonda Cooper from Rockingham County, they will be doing their Comprehensive Plan next year, and she said as of right now they would probably keep it on the map unless the MPO changes it on the CLRP.

Mr. Chenault said this discussion came up at the MPO meeting when we were considering the CLRP, which is a plan designed for 25 years. At the meeting, there was a group of about ten people objecting to including the Northwest Connector, as well as the Southeast Connector and the Southwest Connector in the CLRP. These objections were referred to the TAC, who will report back to the MPO, and then the MPO will make a decision. If you recall during Planning



Commission's public hearing for the Comprehensive Plan there were two individuals present that asked that the Northwest Connector be removed from the City's plan.

Mr. Fletcher asked Mr. Chenault what he would like to accomplish this evening.

Mr. Chenault said I believe there are some people on City Council that are inclined to remove the City portion of this connector because there is no money available to build it. I think it was appropriately forwarded to us to consider it and report back.

Mr. Finks asked if we remove this will it be completely gone; it will never be heard of again?

Mr. Chenault said if it is removed from the entire plan and they decide to build the road; they can still go ahead and build the road. If the MPO still exists at that time, the connector will have to go back on the plan for a certain period of time before the money is appropriated for construction. That is a requirement if Federal funds are going to be used for the project. That is why it would be placed back on the plan if it is removed. I also have no idea what Rockingham County is going to do at this time.

Mrs. Fitzgerald asked if there was any sense about when the MPO might make a decision regarding the connectors.

Mr. Fletcher replied it would be after November. He then said staff briefly discussed whether the Northwest Connector should remain in the Comprehensive Plan or be removed and our recommendation would be to just leave it in until the MPO makes a decision. Whether or not you decide to amend the Comprehensive Plan, more discussion will need to take place; there would need to be a public hearing and so forth.

Chairman Jones said just having this in our Comprehensive Plan does not obligate us to anything and it does not cost us anything.

Mr. Finks said I see no reason to take this out of the Comprehensive Plan.

Chairman Jones said taking it out of the Comprehensive Plan does not necessarily make it go away. There are individuals that are opposed to the connectors and, to a degree, I understand that. On the other hand, I live in a neighborhood where 25 mile per hour streets are used as connector streets, and it is getting more and more traffic all the time. If the population continues to grow, which I assume it will, especially with James Madison University, we are going to need some of these types of connectors to alleviate the traffic problems that are going to occur. We must be realistic.

Mr. Da'Mes asked why, out of all the connectors shown, this one was chosen for removal.

Mr. Chenault said this is the only connector that is within the City; but, the intent is to remove all of the connectors.

At this time Mr. Fletcher reviewed the location of the Southeast and Southwest Connectors.

Mr. Chenault said if I am not mistaken, some of these are the roads that the County is seeking funding for right now.

Mr. Fletcher said I believe so.

Mr. Finks said I think we are putting the cart before the horse.

Mr. Chenault thanked Planning Commission for their input and said I can certainly take all of this back to the MPO and City Council.

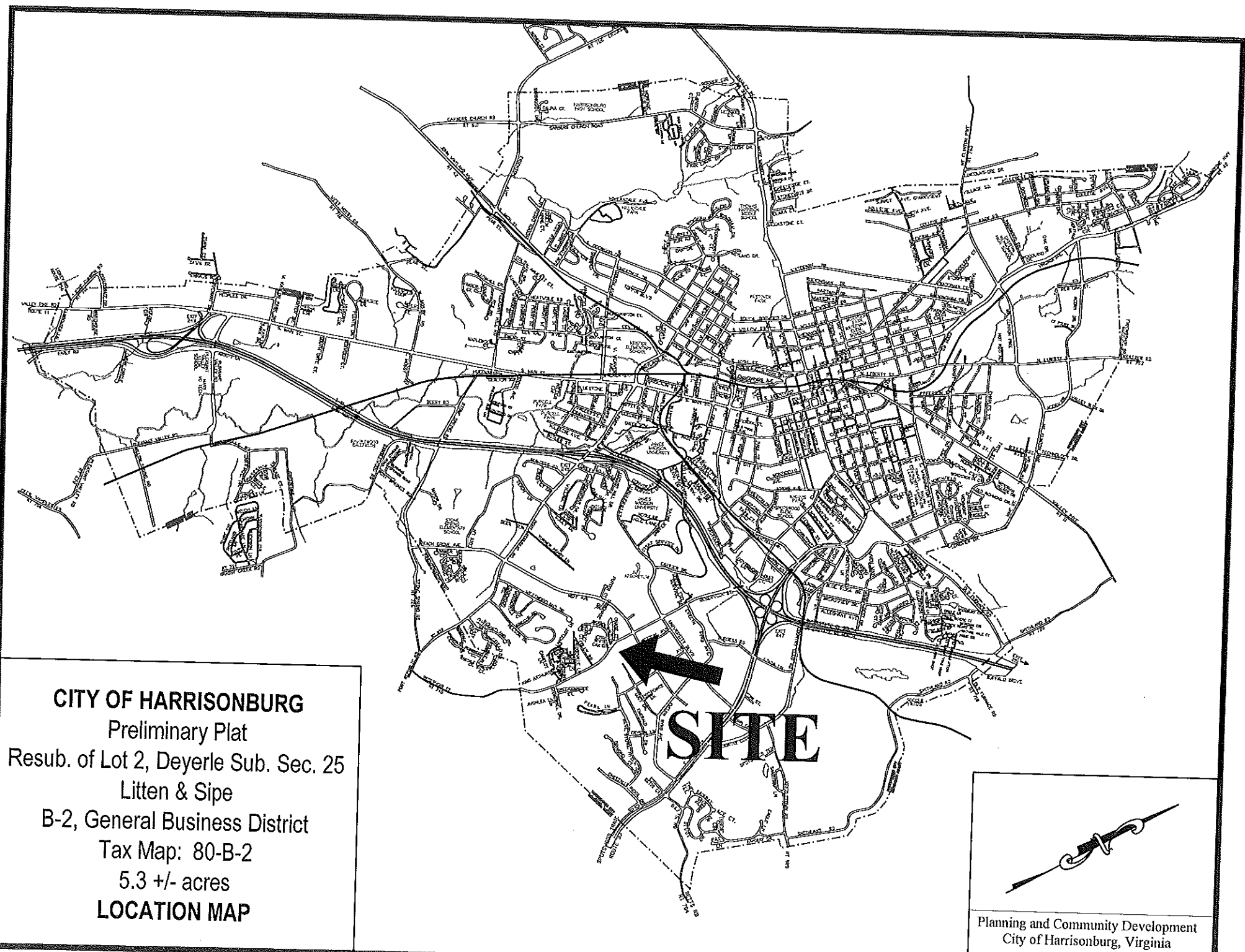
Mr. Da'Mes asked staff when Planning Commission would be seeing something on the landscape/streetscape plan.

Mr. Fletcher replied that progress has been made with the ordinance and hopefully, after one more in house review, we will be ready to give it to some other City Departments to review and comment on. We may want to get some outside input on the document too. We are pushing hard to get it done.

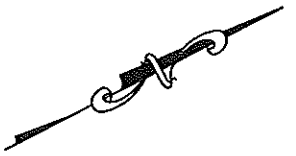
**Adjournment**

The meeting was adjourned at 7:20 p.m.

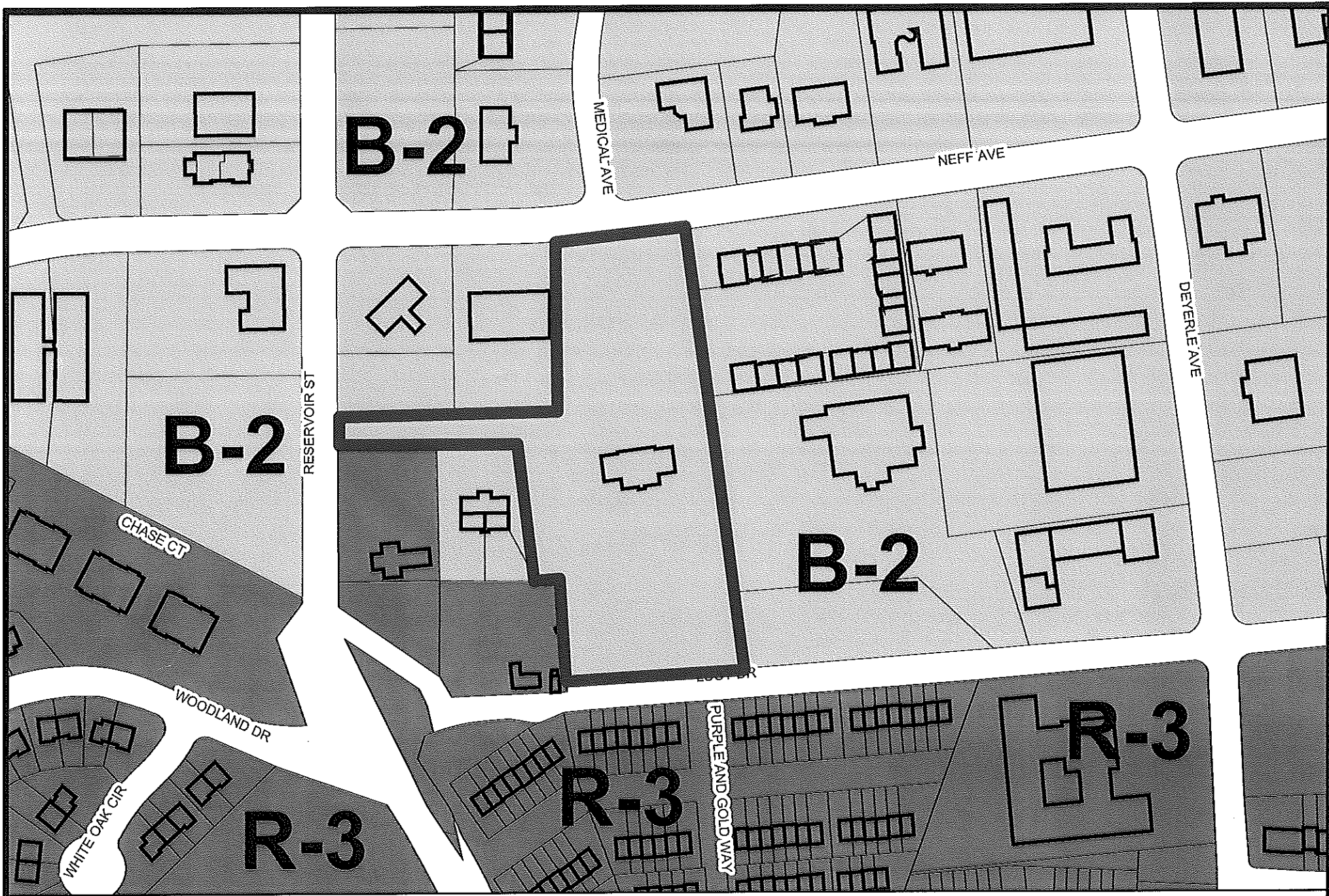
DRAFT



**CITY OF HARRISONBURG**  
Preliminary Plat  
Resub. of Lot 2, Deyerle Sub. Sec. 25  
Litten & Sipe  
B-2, General Business District  
Tax Map: 80-B-2  
5.3 +/- acres  
**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia



**Preliminary Plat (Litten & Sipe)**  
**Resub. of Lot 2 Deyerle Sub. Sec. 25**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT  
September 14, 2011

## PRELIMINARY PLAT – RESUB. OF LOT 2, DEYERELE SUBDIVISION SEC. 25 (LITTEN & SIPE PROPERTY)

### GENERAL INFORMATION

**Applicant:** LISIMI LC, with representative Stephen T. Heitz  
**Tax Map:** 80-B-2  
**Acreage:** 5.3 +/- acres  
**Location:** 410 Neff Avenue  
**Request:** Consider a request to preliminarily subdivide a parcel zoned B-2, General Business District into two lots.

### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Institutional. These lands are designated for development by certain nonprofit and public institutional uses such as colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions which provide for the shelter and care of people.

The following land uses are located on and adjacent to the property:

**Site:** Law offices of Litten & Sipe, LLP, zoned B-2  
**North:** Across Neff Avenue, business and professional offices, zoned B-2  
**East:** Business and professional offices front Neff Avenue and Gold's Gym fronting Lucy Drive, zoned B-2  
**South:** Across Lucy Drive, Charleston Townes, zoned R-3  
**West:** Business and professional offices, zoned B-2, and a dwelling unit fronting Lucy Drive, zoned R-3

### EVALUATION

The applicant is requesting to preliminarily subdivide their 5.3-acre parcel located at 410 Neff Avenue into two lots. Although this parcel is addressed from Neff Avenue, where the main entrance to the property is located, the lot has three street frontages. Along with its Neff Avenue frontage, a secondary entrance is located at its Reservoir Street frontage, and due to the recent extension of Lucy Drive, now has over 300 feet of property fronting that street.

The property division is considered a major subdivision (preliminary plat) because the original tract of land is larger than five acres; therefore it exceeds the requirements for administrative review as a minor subdivision, and must be reviewed by Planning Commission. The purpose of the subdivision is to

create a 1.27-acre parcel along its Lucy Drive frontage. By-right, this undeveloped area, which for the most part is the backyard area of the existing business and professional office building, could be developed without subdividing the property. The subdivision, however, allows the property to be sold separately.

At this time, all three street frontages have some type of planned infrastructure improvement. Both Neff Avenue and Lucy Drive have the appropriate amount of street right-of-way width for their type of street classification, and since no dedications are needed, the City cannot require improvements to the property frontages during the subdivision process. However, if and/or when the property develops or redevelops, the associated property frontages shall be improved as necessary.

Unlike the right-of-way widths of Neff Avenue and Lucy Drive, Reservoir Street does not have the necessary area along this property's 50 feet of road frontage for the planned improvements to that street. Currently, along the subject property, Reservoir Street has 60 feet of public right-of-way and based upon the most up-to-date plans for the Reservoir Street improvements, 90-feet of right-of-way is needed. At this time, this section of the street is planned to include four travel lanes (two in each direction) along with bicycle and pedestrian facilities. Due to the planned type, design, and location of the new street, the City does not need the typical 45-feet of right-of-way on this side of the street from the existing centerline. This is because the new street's location will be shifting slightly away from this property's frontage. For the planned up-grades at this location, the City needs five-feet of additional public right-of-way, and 45-feet for a public drainage easement beyond the newly established right-of-way line. These dedications are shown on page 2 of the plat.

Because the subject property's Reservoir Street frontage is only 50-feet wide, and because the improved street is planned to shift away from this property, the requirement to dedicate right-of-way, in this scenario, does not also require the applicant to build the associated street improvements. This is because the property street frontage is only wide enough to include the pavement to reconnect the improved street with the existing drive-way; no public travel lanes or public sidewalks would exist in the area being dedicated.

The division conforms to the regulations of the Subdivision Ordinance, therefore approval from Planning Commission would endorse the subdivision and allow the applicant to submit a final plat and continue to subdivide the parcel through an administrative review; no approval from City Council is required. As always, during the final platting process, the applicant will be required to submit a deed of easement for the required public easements associated with the plat.

Staff recommends approval of the preliminary plat.



Date Application Received: 06-06-11

Total Paid: 170.00 *AT*  
*see Mingo Sub. app.*

## Application for Preliminary Subdivision Plat Approval

City of Harrisonburg, Virginia

Fee: w/o Variance Request \$150.00 plus \$10.00 per lot  
Variance Request \$175.00 plus \$10.00 per lot  
Plus fees for TIA reviews where applicable (see back for details)

I, LISIMI LC, a Va. limited liability co., hereby apply for preliminary subdivision plat approval for the following property located within the City of Harrisonburg:

### Description of Property

Title of Subdivision: FINAL PLAT OF RESUBDIVISION OF LOT 2, DEYERLE SUBDIVISION - SECTION 25  
Location (Street Address): 410 Neff Avenue Sheet: 80 Block: B Lot: 2  
Total Acreage: 5.307 a. Number of Lots Proposed: 2 Zoning Classification: B2

Proposed Use of Property: Subdivided unimproved lot will be put on market for sale.

Property Owner's Name: LISIMI LC, a Virginia limited liability company  
Street Address: 410 Neff Avenue Email: crc@littensipe.com  
City: Harrisonburg State: VA Zip: 22801  
Telephone: Work 540-434-5353 Fax 540-437-3045 Mobile none

Owner's Representative (if applicable): Stephen T. Heitz  
Street Address: 410 Neff Avenue Email: sth@littensipe.com  
City: Harrisonburg State: VA Zip: 22801  
Telephone: Work 540-434-5353 Fax 540-437-3051 Mobile none

Developer: LISIMI LC, a Virginia limited liability company  
Telephone: 540-434-5353 Email: crc@littensipe.com

Surveyor/Engineer: Hal Benner  
Telephone: 540-434-0267 Email: n/a

### VARIANCES

NOTE: If a variance is requested, please provide the following information:

I (we) hereby apply for a variance from Section \_\_\_\_\_ of the City of Harrisonburg Subdivision Ordinance and/or Section \_\_\_\_\_ of the City of Harrisonburg Design and Construction Standards Manual, which require(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I (we) believe a variance should be granted based on the following "unnecessary hardship" which is peculiar to the property in question (See Section 10-2-2 of the Subdivision Ordinance):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The City of Harrisonburg's preliminary plat and subdivision requirements are in the code of the City of Harrisonburg, Subdivision Ordinance, Sections 10-2-1 through 10-2-86. Please read these requirements carefully.

Certification: I have read the ordinance requirements. I also certify that the information contained herein is true and accurate.

Signature: LISIMI LC, a Virginia limited liability company  
[Signature], Member Signature: \_\_\_\_\_  
Property Owner Applicant, if different from owner

***See Back for Additional Application Fees Regarding TIA Reviews***

- (a). Would the development from this preliminary plat require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_\_\_ No X

*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

***PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.***

- (b). Would the development from this preliminary plat require a Traffic Impact Analysis review by the City?  
Yes \_\_\_\_\_ No X

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

***PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.***



# FINAL PLAT OF RESUBDIVISION OF LOT 2, DEYERLE SUBDIVISION SECTION 25

CITY OF HARRISONBURG, VIRGINIA

MAY 23, 2011

REVISED: AUGUST 31, 2011

## OWNER'S CONSENT AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, CONTAINING 5.306 ACRES, MORE OR LESS, AND DESIGNATED AS FINAL PLAT OF RESUBDIVISION OF LOT 2, DEYERLE SUBDIVISION, SECTION 25 IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF; THAT THE AREA DESIGNATED AS "STREET DEDICATION" ALONG RESERVOIR STREET IS HEREBY DEDICATED TO PUBLIC USE.

THE SAID 5.306 ACRES OF LAND HEREBY SUBDIVIDED IS THE LAND CONVEYED TO LISIMI BY HENRY P. DEYERLE BY DEED DATED APRIL 10, 1989, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA IN DEED BOOK 953, PAGE 393.

GIVEN UNDER MY HAND THIS 7th DAY OF September, 2011.

LISIMI LC, a Virginia Limited Liability Company

BY: Stephen Hertz, manager  
TITLE

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF Harrisonburg, TO WIT:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED, BEFORE ME THIS 7th DAY OF September, 2011, BY Stephen Hertz, manager ON BEHALF OF LISIMI LC, a Virginia Limited Liability Company.

NOTARY PUBLIC

REGISTRATION NO. 167618



## CERTIFICATE OF APPROVAL

THIS SUBDIVISION KNOWN AS FINAL PLAT OF RESUBDIVISION OF LOT 2, DEYERLE SUBDIVISION, SECTION 25 IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

DATE

THIS PLAT WILL BECOME VOID UNLESS RECORDED WITHIN 60 DAYS OF THE DATE SIGNED ABOVE.

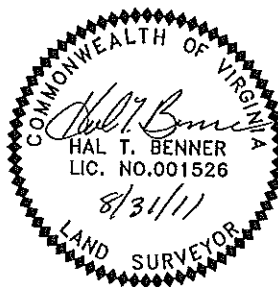
## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND ORDINANCES OF THE CITY OF HARRISONBURG, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH.

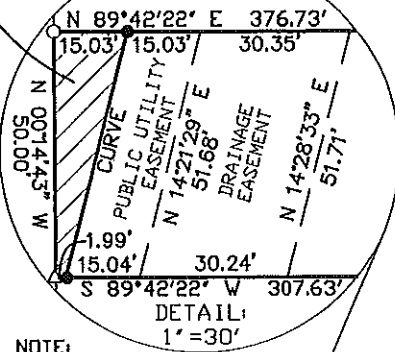
GIVEN UNDER MY HAND THIS 31st DAY OF AUGUST, 2011.

BENNER & ASSOC., INC.  
8 PLEASANT HILL ROAD  
HARRISONBURG, VA 22801  
540 434-0267  
REF# 020807

DRAWING: 020807 BOUNDARY. DWG SHEET 1 OF 3



# STREET DEDICATION



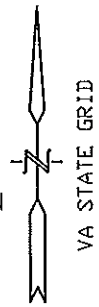
NOTE:  
STREET DEDICATION AND EASEMENTS AS  
DESIGNED BY MCCORMICK TAYLOR, INC.

SCALE: 1" = 100'

- = IRON PIN SET
- = FOUND IRON PIN
- △ = POINT

▨ = 0.010 AC. (428 SF)  
STREET DEDICATION

CURVE:  
Δ=00°43'55"  
R=4045.00'  
A=51.68'  
C=51.68'  
BRG=S 14°22'07" W



## NEFF AVENUE

60' R/W

LOT 1  
TM 80-B-10

GUARANTY BANK  
SUBDIVISION  
SECTION ONE  
DB 2050/346

LOT 2  
TM 80-B-12

N 89°42'22" E 376.73'  
316.23'  
260.26'  
S 89°42'22" W 307.63'  
10' UTILITY EASEMENT  
TO CITY DB 1046/150  
GOES TO NEFF AVE.

THE TRUSTEES OF  
FIRST PRESBYTERIAN  
CHURCH OF HARRISONBURG  
DB 478/289  
TM 80-A-1

TANG  
PROPERTIES, LLC  
DB 2541/709  
TM 80-B-2A-A  
BROWN  
INVESTMENTS, LLC  
DB 2150/715  
TM 80-B-2A-B  
BROWN  
INVESTMENTS, LLC  
DB 2150/475  
TM 80-A-2A-C

EDDIE WARNER  
DB 2418/641  
TM 80-A-3

LISIMI  
4.126 ACRES  
RESIDUE OF  
DB 953/393  
TM 80-B-2

LOT 2  
DEYERLE SUBDIVISION  
SECTION 25

10' STORM DRAINAGE  
EASEMENT DB 976/237

N 85°45'12" E

294.64'  
1.170 ACRES

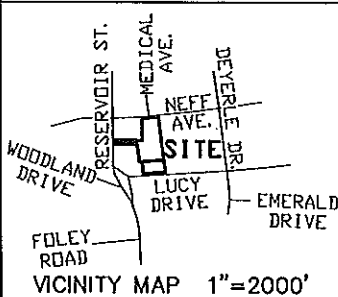
PORTION OF  
DB 953/393  
TM 80-B-2

LOT 2  
DEYERLE SUBDIVISION  
SECTION 25

S 85°45'18" W  
10' UTILITY EASEMENT  
HEREBY DEDICATED

LUCY DRIVE VARIABLE WIDTH  
DB 3424/565 & DB 3581

LOT 11A  
TM 80-B-7A



BENNER & ASSOC., INC.  
8 PLEASANT HILL ROAD  
HARRISONBURG, VA 22801  
540 434-0267  
REF# 020807  
DRAWING: 020807 BOUNDARY. DWG

## METES & BOUNDS DESCRIPTION

BEGINNING AT A FOUND IRON PIN ON THE SOUTHERN LINE OF NEFF AVENUE,  
A CORNER WITH THE RAO & GARST LOT; THENCE WITH A CURVE TO THE LEFT  
HAVING A DELTA ANGLE OF 2°05'10", A RADIUS OF 865.45 FEET AND AN ARC  
DISTANCE OF 31.51 FEET

LONG CHORD N 83°34'46" E 31.51 FEET  
TO A POINT; THENCE

N 82°32'48" E 189.99 FEET  
TO A IRON PIN SET; THENCE LEAVING NEFF AVENUE WITH THE LINES OF LOT 1,  
DEYERLE SUBDIVISION, SECTION 25 AND LOT 11B AND LOT 11A AS SHOWN ON  
THE RESUBDIVISION OF LOT 11, DEYERLE SUBDIVISION, SECTION 31

S 07°27'48" E 755.84 FEET  
TO A IRON PIN SET; THENCE WITH THE NORTHERN LINE OF LUCY DRIVE

S 85°45'18" W 302.56 FEET  
TO A IRON PIN SET; THENCE WITH EDDIE WARNER'S LOT

N 04°48'38" W 170.66 FEET  
TO A FOUND IRON PIN AT A POST; THENCE

N 89°29'38" W 38.66 FEET  
TO A FOUND IRON PIN; THENCE WITH THE TANG PROPERTIES, LLC LOT

N 07°24'37" W 235.09 FEET  
TO A FOUND IRON PIN; THENCE WITH THE TANG PROPERTIES, LLC LOT IN PART  
AND THE FIRST PRESBYTERIAN CHURCH OF HARRISONBURG LOT IN PART

S 89°42'22" W 307.63 FEET  
TO A POINT ON THE EASTERN SIDE OF RESERVOIR STREET; THENCE WITH SAID  
SIDE OF RESERVOIR STREET

N 00°14'43" W 50.00 FEET  
TO A FOUND IRON PIN; THENCE WITH THE GUARANTY BANK LOT IN PART AND THE  
RAO & GARST LOT IN PART

N 89°42'22" E 376.73 FEET  
TO A FOUND IRON PIN; THENCE CONTINUING WITH THE RAO & GARST LOT

N 00°20'39" W 289.79 FEET  
TO THE BEGINNING AND ENCLOSING AN AREA OF 5.306 ACRES.

BENNER & ASSOC., INC.  
8 PLEASANT HILL ROAD  
HARRISONBURG, VA 22801  
540 434-0267  
REF# 020807

DRAWING: 020807 BOUNDARY. DWG SHEET 3 OF 3



## CITY OF HARRISONBURG

Rezoning

Proffer Amendment

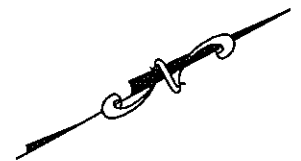
120 West Wolfe Street

B-1C (Proffer Amendment)

Tax Map: 35-O-4 & 5

.52 +/- acres

**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia



# 120 West Wolfe Street B-1C Proffer Amendment



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**STAFF REPORT**  
**September 14, 2011**

## **REZONING – PROFFER AMENDMENT 120 WEST WOLFE STREET (WROCKSTREET LLC)**

### **GENERAL INFORMATION**

**Applicant:** WRockstreet, LLC with representatives Leo Cook and Casey Stemper  
**Tax Map:** 35-O-4 & 5  
**Acreage:** .52 +/- acres  
**Location:** 120 West Wolfe Street  
**Request:** Public hearing to consider a request for a rezoning to revise proffers on two parcels totaling .52 +/- acres zoned B-1C, Central Business District Conditional.

### **LAND USE, ZONING, AND SITE CHARACTERISTICS**

The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area, which could be combined in the same building or on the same street. The gross residential density in areas outside downtown should not exceed an average of 15 units per acre, though all types of residential units are permitted: single family detached, single family attached and apartments. Apartments are permitted only if single family detached and/or attached units are also provided and together cover a greater percentage of the project site. Residential densities in downtown may be higher than an average of 15 units per acre, and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

The following land uses are located on and adjacent to the property:

**Site:** Illegal vehicle repair shop, zoned B-1C (with a tabled SUP application to legally permit the vehicle repair shop) and vacant land, zoned B-1C  
**North:** Vacant property (owned by the applicants), zoned M-1  
**East:** Across the Norfolk Southern Rail Line, vacant paved lot, zoned B-1  
**South:** Across West Wolfe Street, vacuum repair shop, zoned M-1  
**West:** Non-conforming dwelling unit, zoned M-1

## EVALUATION

The property owners, through suggestion by City staff, are requesting to rezone their B-1C, Central Business District Conditional property at 120 West Wolfe Street by modifying the existing proffers. The reasoning is to appropriately adjust the proffers to allow businesses to legally operate in the existing buildings.

One should recall that the properties were rezoned in March 2009 from M-1, General Industrial District to B-1C. At that time, the property owners' plan was to demolish the existing structures and to construct a mixed use building containing commercial and residential uses. The proffers (written verbatim) were approved as follows: (The proffer letter and mentioned exhibits are provided for reference within the packet.)

1. The site Plan as provided in Exhibit A is proffered as to general layout, approximate square footage of the building and dedicated parking. The amount of commercial space will be up to 2,816 sq. ft., and the amount of residential space will be up to 6,570 sq. ft. The number of residential units will not exceed 7. The number of bedrooms will not exceed 9. The building will be Mixed Use.
2. The occupancy of each residential unit will not exceed a single family or two unrelated persons per unit.
3. Parking for residential units will be one space per bedroom. Parking for commercial space will be one space for each 300 sq. ft.
4. Use Restrictions. The following uses as delineated in Harrisonburg's Zoning Ordinance, Article P. B-1 Central Business District, §10-3-84 shall be permitted on the Property:
  - 1) Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores;
  - 2) Governmental, business, professional offices and financial institutions;
  - 3) Hotels, motels, and buildings used for dwelling units, CBD, as defined under Article F, except that such occupancy may be superseded by building code regulations;
  - 4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education;
  - 5) Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities;
  - 6) General service or repair shops, when not employing more than ten (10) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building;
  - 7) Accessory uses incidental to any permitted uses which are attached to or within the principal building.
5. Applications will be made for all Special Uses where necessary.
6. Buffer. A 6' fence of one type shown in Exhibit B will be placed on the west boundary of the property.
7. Landscaping will include a minimum of two (2) deciduous trees or planters and a minimum of ten (10) bushes in locations as shown on the conceptual plan.
8. The buildings will have a brick façade on the south side of the building facing Wolfe St. and the east side facing the railroad, and no vinyl siding will be used on any part of the façade. A brick walkway or brick stamped decorative concrete will be provided on the south side of the building where elevation permits. The style of the building will be esthetically similar to Exhibit C. A bicycle rack will be located on the property.
9. Severability. The unenforceability, illegality, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.



The reasoning for this request arose soon after the July 13<sup>th</sup> Planning Commission public hearing, where the property owners requested to bring their illegal vehicle repair use into conformance with the Zoning Ordinance by applying for a special use permit (SUP) to allow for vehicle repair in the B-1 zoning district. Following the meeting, staff discussed whether this special use could operate within the existing buildings as the proposed plan for a new building was specifically submitted as a rezoning proffer. The rezoning proffers were developed around a new mixed-use building containing the permitted uses. Staff determined that using the existing building for the auto repair use would be a problem with existing proffers, and that to allow for the SUP in the existing buildings, this situation should be rectified.

Staff then contacted the property owners to discuss the matter and explained the proffers were worded in such a manner that no use could operate on the site unless it met the proffered description, which included the site plan. Understandably, this seemed impractical given the existing structure was clearly usable, designed for, and recently used as, a vehicle repair shop, and furthermore, that staff and Planning Commission unanimously believed that vehicle repair was an appropriate use for the subject parcel, in the existing buildings. Nevertheless, allowing such a situation to progress could cause problems in the future, essentially setting a precedent that allowed property owners to pick and choose the proffers they wanted to fulfill, which is illegal.

After discussing the situation, the property owners tabled their SUP request prior to its advertisement for the City Council public hearing, and diligently submitted the application to amend the proffers on the subject property to legally allow uses to operate in the existing buildings. The major change in the proffers is with the addition of proffer #10, which states: *Until the site is developed per the plan discussed herein, the Owners will be entitled to use the current buildings and the property as permitted by right as described in paragraph 4 above and all Special Uses approved by City Council.*

In short, this additional proffer essentially clarifies that the existing buildings may be used. There are no other changes to the proffers. The amendment to the proffers maintains the property's consistency with the surrounding uses and its conformance with the Comprehensive Plan.

The applicants' tabled SUP request will proceed simultaneously with this rezoning/proffer amendment to City Council.

Staff appreciates the understanding and cooperation of the property owners. Although this issue may seem like a small, technical detail, rectifying this situation is important to the integrity of the City's conditionally zoned properties and to protecting property rights for the City's residents.

Staff supports the submitted proffer amendment.



City of Harrisonburg Community Development  
Director of Community Development  
Ms. Stacey Turner  
409 South Main Street  
Harrisonburg, VA 22801

August 8, 2011

Subject: Rezoning of T.M. Parcels 35-O-4, 35-O-5

Dear Ms. Turner:

As a condition of rezoning, the Owners and Developers (the "Developer") proffer that the development of the subject property (the "Property") on this application shall be in accordance with §15.2-2298 of the Code of Virginia and the Zoning Ordinance of the City of Harrisonburg and for the conditions set forth in this submission, if and only if, the zoning request for B-1, Central Business District, is granted. The Owners wish to revise the proffers previously submitted in letters dated July 1, 2008 and February 4, 2009. This is being done to address concerns on the part of the City's Planning Staff. If this request for rezoning is denied or approved with conditions not agreed to by the Developer and the Owners, the proffers and conditions shall immediately be null and void and of no further force or effect. If the rezoning request is granted, these proffers and conditions will supersede all proffers and conditions that may now exist on the Property.

This application contains three exhibits described as follows:

Exhibit A –Site Plan prepared by Blackwell Engineering, PLC and dated February 4, 2009.

Exhibit B – Three (3) examples of proposed buffer fencing types.

Exhibit C—Example of building façade and architecture.

1. The Site Plan provided in Exhibit A is proffered as to general layout, approximate square footage of the building and dedicated parking. The amount of commercial space will be up to 2816 sq.ft., and the amount of residential space will be up to 6570 sq. ft. The number of residential units will not exceed 7. The number of bedrooms will not exceed 9. The building will be Mixed Use.
2. The occupancy of each residential unit will not exceed a single family or two unrelated persons per unit.
3. Parking for residential units will be one space per bedroom. Parking for commercial space will be one space for each 300 sq. ft.
4. Use Restrictions. The following uses as delineated in Harrisonburg's Zoning Ordinance, Article P. B-1 Central Business District, § 10-3-84 shall be permitted on the Property:
  - 1) Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores,
  - 2) Governmental, business, and professional offices and financial institutions,
  - 3) Hotels, motels, and buildings used for dwelling units, CBD, as defined under Article F, except that such occupancy may be superseded by building regulations,
  - 4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education,
  - 5) Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities,
  - 6) General service or repair shops, when not employing more than ten (10) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building,
  - 8) Accessory uses incidental to any permitted uses which are attached to or within the principal building.
5. Applications will be made for all Special Uses where necessary.
6. Buffer. A 6' fence of one type shown in Exhibit B will be placed on the west boundary of the property.
7. Landscaping will include a minimum of two (2) deciduous trees or planters and a minimum of 10 bushes in locations as shown on the conceptual plan.
8. The buildings will have a brick façade on the south side of the building facing Wolfe St. and the east side facing the railroad, and no vinyl siding will be used on any part of the façade. A brick walkway or brick stamped decorative concrete will be provided on the south and east sides of the building where elevation permits. The style of the buildings will be esthetically similar to Exhibit C. A bicycle rack will be located on the property.
9. Severability. The unenforceability, illegality, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

10. Until the site is developed per the plan discussed herein, the Owners will be entitled to use the current buildings and the property as permitted by right as described in Paragraph 4 above and all Special Uses approved by City Council.

OWNER/DEVELOPER:



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John C. Stemper

Date Application Received: 08-09-11

Total Paid: No Fee Required

**Application for Change of Zoning District**  
**City of Harrisonburg, Virginia**

**Section 1: Property Owner's Information**

Name: WROCKSTREET, LLC  
Street Address: 231 Dixie Ave Email: Leo.Cook@HDSupply.com  
City/State/Zip: Harrisonburg Virginia 22801  
Telephone (work): 407.822.2339 (home or cellular): 7703103621 (fax): \_\_\_\_\_

**Section 2: Owner's Representative Information**

Name: Casey Stemper  
Street Address: 231 Dixie Ave Email: \_\_\_\_\_  
City/State/Zip: Harrisonburg Virginia 22801  
Telephone (work): \_\_\_\_\_ (home or cellular): 540.476.1501 (fax): \_\_\_\_\_

**Section 3: Description of Property**

Location (street address): 120 W. Wolfe St  
Tax Map Number: Sheet: 35 Block: 0 Lot: 4A5 Total Land Area (acres or square feet): 1/4 .52 acres  
Existing Zoning District: B-1C Proposed Zoning District \*: B-1C (amendment)  
Existing Comprehensive Plan Designation: Mixed Use Development Area

*\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

**Section 4: Application Fee**

\$375.00 plus \$30.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a) Would the development from this rezoning require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_\_\_ No X

*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

**PLEASE NOTE** – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?  
Yes \_\_\_\_\_ No X

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

**PLEASE NOTE** – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

**Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)**

North: \_\_\_\_\_  
East: \_\_\_\_\_  
South: \_\_\_\_\_  
West: \_\_\_\_\_

**Section 6: Certification**

I certify that the information contained herein is true and accurate. Signature: \_\_\_\_\_

  
Property Owner

**See Back for Items Required for Submission**

**ITEMS REQUIRED FOR SUBMISSION**

<input type="checkbox"/>	Completed Application	<input type="checkbox"/>	Fees Paid
<input type="checkbox"/>	Survey of Property	<input type="checkbox"/>	Source Deed
<input type="checkbox"/>	Description of Proposed Use	<input checked="" type="checkbox"/>	Proffers (if applicable)
<input type="checkbox"/>	Adjacent Property Owners	<input type="checkbox"/>	_____

**SUBJECT:**

**COUNCIL APPROVES REQUEST FROM  
WROCKSTREET**

**EXTRACT TAKEN FROM MINUTES OF  
CITY COUNCIL MEETING HELD ON:**

**REGULAR MEETING  
March 10, 2009**

Planning and Community Development Director Turner presented a request from WRockStreet, LLC to rezone two lots totaling .52+/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional. The properties are located at 120 West Wolfe Street and can be found on tax map parcels 35-O-4 & 5. The Comprehensive Plan designates this area as Mixed Use Development. Mrs. Turner reviewed the surrounding uses in the area. The applicant intends to construct a mixed use building containing commercial and residential uses. The submitted proffers include a brick stamped concrete walkway, brick façade buildings, bicycle rack, privacy fence, approximately 2,816 sq. ft of commercial space, approximately 6,570 sq ft. of residential space, seven residential units with a total of nine bedrooms, and that occupancy of each residential unit will not exceed a single family or two unrelated persons per unit. Planning Commission recommended approving the rezoning request.

At 7:18 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 23, and Monday, March 2, 2009.

**NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, March 10, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Rezoning – 120 West Wolfe Street (WRockstreet, LLC)***

**Public hearing to consider a request from WRockStreet, LLC, with representative Blackwell Engineering to rezone two lots totaling .52 +/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional. The properties are located at 120 West Wolfe Street and can be found on tax maps 35-O-4 & 5. The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for "live-work" and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area. The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The B-1,**

Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District.

All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG**  
**Kurt D. Hodgen**  
**City Manager**

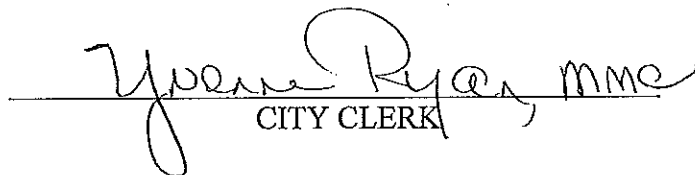
Mayor Degner called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:19 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this rezoning request as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Baugh  
Council Member Wiens  
Council Member Byrd  
Council Member Frank  
Mayor Degner

Absent – None

I, Yvonne Ryan, MMC, Clerk of the Harrisonburg City Council, do hereby certify that the foregoing is a true copy of an excerpt taken from the draft minutes of a regular meeting held on Tuesday, March 10, 2009.

Given under my hand this 11th March 2009.

  
CITY CLERK

**OFFICE OF CITY CLERK OF COUNCIL**  
**HARRISONBURG, VA 22801**

**AGENDA ITEM #** \_\_\_\_\_**AGENDA ITEM ACTION REQUEST**

	<b>Meeting Date:</b> March 10, 2009 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special _____
<b>Requestor:</b>  ____ Manager ____ City Attorney ____ Department <input checked="" type="checkbox"/> Other	<b>Item:</b> Public hearing to consider a request from WRockStreet, LLC to rezone two lots totaling .52+/- acres from M-1 to B-1C at 120 West Wolfe Street.
<b>Reviewed:</b>  ____ Manager ____ City Attorney ____ Department <input checked="" type="checkbox"/> Other	<b>Review:</b> Planning Commission recommended approval (6-0) of the rezoning request for property located on tax map parcels 35-O-4 & 5 with the submitted proffers.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: _____  ____ Manager ____ City Attorney ____ Department <input checked="" type="checkbox"/> Other _____	
	<b>Attachments:</b> Planning Commission extracts, proffers and other supporting documents.



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

409 South Main Street

Harrisonburg, Virginia 22801

Website: <http://www.harrisonburgcommdev.com/>

Telephone: (540) 432-7700 Fax: (540) 432-7777

March 2, 2009

TO THE MEMBERS OF CITY COUNCIL  
CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** Public hearing to consider a request from WRockStreet, LLC to rezone two lots totaling .52 +/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional. The properties are located at 120 West Wolfe Street and can be found on tax map parcels 35-O-4 & 5.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING  
HELD ON:** February 11, 2009.

**Chairman Burden read the first item of business and asked for staff to review.**

Mrs. Banks said the Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for "live-work" and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

The following land uses are located on and adjacent to the property:

- Site: Carwash, empty warehouse building and vacant lands, zoned M-1
- North: Vacant lands and non-conforming dwellings, zoned M-1
- East: Across railroad tracks, L&S Diner and professional offices, zoned B-1
- South: Across West Wolfe Street, a repair shop, zoned M-1
- West: Non-conforming dwelling, zoned M-1 and dwellings, zoned R-3

Planning Commission originally reviewed a larger scale of this request in June 2008. That request was to rezone a 1.009+/- acre site that incorporated the two parcels described in this application and two other adjoining lots; one of which fronted along West Rock Street. The first request proposed to keep the existing warehouse building along West Wolfe Street, renovate it for use as a commercial building, and to attach a three story apartment building to the north of the renovated structure. Parking would have been provided along the side and rear of the building with an additional entrance on West Rock Street. Staff recommended denial of the rezoning request citing concerns that the proposed apartment style of development did not meet the quality or character of the B-1, Central Business District and it was not compatible to the surrounding uses. Planning Commission also recommended denial of the request with a 5-0 vote. The case was on schedule for the July 8, 2008, City Council meeting; however, the applicant withdrew the request prior to the public hearing.



In July 2008, the applicant submitted revised proffers that were not discussed during the Planning Commission public hearing; due to the requirements specified in Section 10-3-123 (c) of the Zoning Ordinance, a new public hearing was scheduled for the August Planning Commission meeting. In preparation of the August meeting, the applicant tightened some of the earlier proffers to include limiting the occupancy of the residential units to not exceed more than two unrelated persons per unit while also limiting the residential units to not exceed 20 and to limit the commercial space to not exceed 4,000 square feet. The revised proffers were appreciated, yet they did not change staff's recommendation. The applicant tabled this request prior to the Planning Commission public hearing.

The applicant is now requesting to rezone two parcels totaling .52 +/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional. The site is located along West Wolfe Street directly east of the Norfolk Southern rail lines. The property has an inoperative carwash and an empty warehouse building. If rezoned, the applicant desires to demolish the existing structures and to construct a mixed use building containing commercial and residential uses. Several proffers were submitted with the rezoning request; they are as follows:

1. The site Plan as provided in Exhibit A is proffered as to general layout, approximate square footage of the building and dedicated parking. The amount of commercial space will be up to 2,816 sq. ft., and the amount of residential space will be up to 6,570 sq. ft. The number of residential units will not exceed 7. The number of bedrooms will not exceed 9. The building will be Mixed Use.
2. The occupancy of each residential unit will not exceed a single family or two unrelated persons per unit.
3. Parking for residential units will be one space per bedroom. Parking for commercial space will be one space for each 300 sq. ft.
4. Use Restrictions. The following uses as delineated in Harrisonburg's Zoning Ordinance, Article P. B-1 Central Business District, 10-3-84 shall be permitted on the Property:
  - a. Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores;
  - b. Governmental, business, professional offices and financial institutions;
  - c. Hotels, motels, and buildings used for dwelling units, CBD, as defined under Article F, except that such occupancy may be superseded by building code regulations;
  - d. Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education;
  - e. Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities;
  - f. General service or repair shops, when not employing more than ten (10) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building;
  - g. Accessory uses incidental to any permitted uses which are attached to or within the principal building.
5. Applications will be made for all Special Uses where necessary.
6. Buffer. A 6' fence of one type shown in Exhibit B will be placed on the west boundary of the property.
7. Landscaping will include a minimum of two (2) deciduous trees or planters and a minimum of ten (10) bushes in locations as shown on the conceptual plan.
8. The buildings will have a brick façade on the south side of the building facing Wolfe Street and the east side facing the railroad, and no vinyl siding will be used on any part of the façade. A brick walkway or

brick stamped decorative concrete will be provided on the south side of the building where elevation permits. The style of the building will be esthetically similar to Exhibit C. A bicycle rack will be located on the property.

Staff has worked closely with the applicant since the earlier rezoning request. The plan that is submitted with this application shows more quality and character of the B-1, Central Business District than the previous requests. The proposed building, which fronts directly on West Wolfe Street, is planned for commercial uses on the first floor at street level, with parking located in the rear. The applicant has proffered a decorative brick or brick stamped sidewalk, a bicycle rack, and landscaping; all amenities that encourage pedestrian traffic. The innovative building type design which addresses the street and the minimal visual impact of the parking which is placed to the rear of the building incorporates features of the proposed Mixed Use Planned Community District that is currently under review.

The applicant has specifically proffered that the building will be mixed use. Although the applicant intends to have first floor commercial units and then residential units on the above floors, it does not limit the building from having residential units on the first floor or limit commercial units to the first floor. Staff has no reservations about this arrangement. Occupancy has also been proffered to a family or no more than two unrelated persons per dwelling; with no more than seven dwelling units and no more than nine bedrooms.

Staff has concerns with the type of entrance that should be provided. Currently, there is a drop inlet and a railroad signal pole located directly adjacent to the east side of the entrance, between the site and the railroad tracks. The entrance should not disrupt the function of the drop inlet or the signal pole. Ultimately this issue would need to be resolved during the comprehensive site plan review process and may require a different entrance design than what is shown on this site plan.

Other proffers offered by the applicant include a six foot fence that will look like one of the designs in Exhibit B, along the western boundary line, to buffer the site from adjacent dwellings; landscaping bushes as shown, two deciduous trees or planters; a brick façade on the south and east side of the building with no vinyl siding, and in a style aesthetically similar to that shown in Exhibit C.

Staff is in support of this rezoning request. The revised proffers have answered concerns that staff previously had regarding the style of the development. The property is designated as Mixed Use Development within the Comprehensive Plan; the design and layout proffered with this request shares the characteristics of the downtown Central Business District, while still remaining compatible with the surrounding neighborhood. The Comprehensive Plan also designates the site as part of the Downtown Revitalization Area and the proposed redevelopment provides for a viable mixed use, rather than the existing vacant buildings and other unsightly property characteristics. A favorable recommendation is supported by staff.

Chairman Burden asked if there were any questions for staff.

Mr. Finks asked for clarification of the total number of bedrooms that could possibly be located on the site.

Mrs. Banks replied there could be up to nine bedrooms.

Chairman Burden asked if there were any further questions for staff. Hearing none, he opened the public hearing and asked the applicant or applicant's representative to speak.

Mr. Richard Johnson with Blackwell Engineering and representing the developers said we appreciate the help and guidance we got from the planning staff. It has been a long process, but the product we

have at this point speaks well for itself. I do not have anything to add to the presentation; but if you have any questions I would be glad to address them.

Chairman Burden asked if there were any questions. Hearing none, he asked if there was anyone else with the applicant that would like to speak. Hearing none, he asked if there was anyone wishing to speak in favor of the rezoning request. Hearing none, he asked if there was anyone wishing to speak opposed to the request. Hearing none, he closed the public hearing and asked if there were any comments or discussion from Planning Commission.

Mr. Finks said there is nothing with this request that I disagree with, it looks like an idea that will be a plus for this neighborhood and this area. I make a motion to approve it.

Mr. Baugh seconded the motion.

Chairman Burden asked if there was any further discussion.

Mr. Da'Mes said he is very excited to see this plan before us. I think it embodies much of what I would like to see in our future implementation of mixed use. Many of the proffers are well received and appreciated in terms of the sidewalk, brick, and making it very pedestrian friendly. The only concern I might have, and staff has pointed it out, is the entrance itself. It is in close proximity to the railroad track and obviously there could be concerns; but as staff pointed out this will be reviewed at a later time.

Mr. Baugh said he cannot remember when Planning Commission has had one of these rezoning requests that he will enjoy voting for as much as he will enjoy voting for this one. I just think this is a wonderful example of what I hope to see us do more of, and that is to not be as quick as we might be at times when a developer only gives us sixty or seventy percent of what we want. Let's be firm with what we want to see in a project and then when we see what we are looking for we can be pleased about our efforts. This project has all the earmarks of something that should be a successful development. I have no reason to think it would not be a very positive development for the City and for the surrounding neighborhood.

Chairman Burden said the progression of the plan from last summer to now is impressive. This seems to be the sort of thing we need. He then called for a voice vote on the motion to approve the rezoning request from M-1 to B-1C.

All voted in favor of the motion (6-0). Chairman Burden said this will move forward to City Council on March 10, 2009 with a favorable recommendation.

Respectfully Submitted,



Alison Banks  
Planner



## CITY OF HARRISONBURG

Rezoning

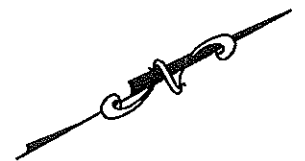
120 West Wolfe Street  
(WRockstreet, LLC)

M-1 to B-1C

Tax Map: 35-O-4 & 5

.52 +/- acres

**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia



**120 West Wolfe Street (WRockStreet LLC)**  
**Rezoning - M-1 to B-1C**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

February 11, 2008

### REZONING – WEST ROCK STREET APARTMENTS – M-1 TO B-1C

#### GENERAL INFORMATION

**Applicant:** WRockStreet, LLC with representative Blackwell Engineering  
**Tax Map:** 35-O-4 & 5  
**Acreage:** .52 +/- acres  
**Location:** 120 West Wolfe Street  
**Request:** Public hearing to consider a request to rezone two lots totaling .52 +/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

The following land uses are located on and adjacent to the property:

Site: Carwash, empty warehouse building and vacant lands, zoned M-1  
North: Vacant lands and non-conforming dwellings, zoned M-1  
East: Across railroad tracks, L&S Diner and professional offices, zoned B-1  
South: Across West Wolfe Street, a repair shop, zoned M-1  
West: Non-conforming dwelling, zoned M-1 and dwellings, zoned R-3

#### HISTORY

Planning Commission originally reviewed a larger scale of this request in June 2008. That request was to rezone a 1.009+/- acre site that incorporated the two parcels described in this application and two other adjoining lots; one of which fronted along West Rock Street. The first request proposed to keep the existing warehouse building along West Wolfe Street, renovate it for use as a commercial building, and to attach a three story apartment building to the north of the renovated structure. Parking would have been provided along the side and rear of the building with an additional entrance on West Rock Street. Staff recommended denial of the rezoning request citing concerns that the proposed apartment style of development did not meet the quality or character of the B-1, Central Business District and it was not compatible to the surrounding uses. Planning Commission also recommended denial of the



request with a 5-0 vote. The case was on schedule for the July 8, 2008, City Council meeting; however, the applicant withdrew the request prior to the public hearing.

In July 2008, the applicant submitted revised proffers that were not discussed during the Planning Commission public hearing; due to the requirements specified in Section 10-3-123 (c) of the Zoning Ordinance, a new public hearing was scheduled for the August Planning Commission meeting. In preparation of the August meeting, the applicant tightened some of the earlier proffers to include limiting the occupancy of the residential units to not exceed more than two unrelated persons per unit while also limiting the residential units to not exceed 20 and to limit the commercial space to not exceed 4,000 square feet. The revised proffers were appreciated, yet they did not change staff's recommendation. The applicant tabled this request prior to the Planning Commission public hearing.

### **EVAULATION**

The applicant is now requesting to rezone two parcels totaling .52 +/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional. The site is located along West Wolfe Street directly east of the Norfolk Southern rail lines. The property has an inoperative carwash and an empty warehouse building. If rezoned, the applicant desires to demolish the existing structures and to construct a mixed use building containing commercial and residential uses. Several proffers were submitted with the rezoning request; they are as follows:

1. The site Plan as provided in Exhibit A is proffered as to general layout, approximate square footage of the building and dedicated parking. The amount of commercial space will be up to 2,816 sq. ft., and the amount of residential space will be up to 6,570 sq. ft. The number of residential units will not exceed 7. The number of bedrooms will not exceed 9. The building will be Mixed Use.
2. The occupancy of each residential unit will not exceed a single family or two unrelated persons per unit.
3. Parking for residential units will be one space per bedroom. Parking for commercial space will be one space for each 300 sq. ft.
4. Use Restrictions. The following uses as delineated in Harrisonburg's Zoning Ordinance, Article P. B-1 Central Business District, 10-3-84 shall be permitted on the Property:
  - a. Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores;
  - b. Governmental, business, professional offices and financial institutions;
  - c. Hotels, motels, and buildings used for dwelling units, CBD, as defined under Article F, except that such occupancy may be superseded by building code regulations;
  - d. Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education;
  - e. Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities;
  - f. General service or repair shops, when not employing more than ten (10) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building;
  - g. Accessory uses incidental to any permitted uses which are attached to or within the principal building.
5. Applications will be made for all Special Uses where necessary.
6. Buffer. A 6' fence of one type shown in Exhibit B will be placed on the west boundary of the property.
7. Landscaping will include a minimum of two (2) deciduous trees or planters and a minimum of ten (10) bushes in locations as shown on the conceptual plan.
8. The buildings will have a brick façade on the south side of the building facing Wolfe Street and the east side facing the railroad, and no vinyl siding will be used on any part of the façade. A brick walkway or brick stamped decorative concrete will be provided on the south side of the building where elevation

permits. The style of the building will be esthetically similar to Exhibit C. A bicycle rack will be located on the property.

Staff has worked closely with the applicant since the earlier rezoning request. The plan that is submitted with this application shows more quality and character of the B-1, Central Business District than the previous requests. The proposed building, which fronts directly on West Wolfe Street, is planned for commercial uses on the first floor at street level, with parking located in the rear. The applicant has proffered a decorative brick or brick stamped sidewalk, a bicycle rack, and landscaping; all amenities that encourage pedestrian traffic. The innovative building type design which addresses the street and the minimal visual impact of the parking which is placed to the rear of the building incorporates features of the proposed Mixed Use Planned Community District that is currently under review.

The applicant has specifically proffered that the building will be mixed use. Although the applicant intends to have first floor commercial units and then residential units on the above floors, it does not limit the building from having residential units on the first floor or limit commercial units to the first floor. Staff has no reservations about this arrangement. Occupancy has also been proffered to a family or no more than two unrelated persons per dwelling; with no more than seven dwelling units and no more than nine bedrooms.

Staff has concerns with the type of entrance that should be provided. Currently, there is a drop inlet and a railroad signal pole located directly adjacent to the east side of the entrance, between the site and the railroad tracks. The entrance should not disrupt the function of the drop inlet or the signal pole. Ultimately this issue would need to be resolved during the comprehensive site plan review process and may require a different entrance design than what is shown on this site plan.

Other proffers offered by the applicant include a six foot fence that will look like one of the designs in Exhibit B, along the western boundary line, to buffer the site from adjacent dwellings; landscaping bushes as shown, two deciduous trees or planters; a brick façade on the south and east side of the building with no vinyl siding, and in a style aesthetically similar to that shown in Exhibit C.

Staff is in support of this rezoning request. The revised proffers have answered concerns that staff previously had regarding the style of the development. The property is designated as Mixed Use Development within the Comprehensive Plan; the design and layout proffered with this request shares the characteristics of the downtown Central Business District, while still remaining compatible with the surrounding neighborhood. The Comprehensive Plan also designates the site as part of the Downtown Revitalization Area and the proposed redevelopment provides for a viable mixed use, rather than the existing vacant buildings and other unsightly property characteristics. A favorable recommendation is supported by staff.



EXISTING PROFFERS

City of Harrisonburg Community Development  
Director of Community Development  
Ms. Stacey Turner  
409 South Main Street  
Harrisonburg, VA 22801

February 11, 2009

Subject: Rezoning of T.M. Parcels 35-O-4, 35-O-5

Dear Ms. Turner:

As a condition of rezoning, the Owners and Developers (the "Developer") proffer that the development of the subject property (the "Property") on this application shall be in accordance with §15.2-2298 of the Code of Virginia and the Zoning Ordinance of the City of Harrisonburg and for the conditions set forth in this submission, if and only if, the zoning request for B-1, Central Business District, is granted. The Owners wish to revise the proffers previously submitted in a letter dated July 1, 2008. This is being done to address concerns on the part of the City's Planning Staff and the Planning Commission as expressed at the June 11, 2008, meeting of the Planning Commission. If this request for rezoning is denied or approved with conditions not agreed to by the Developer and the Owners, the proffers and conditions shall immediately be null and void and of no further force or effect. If the rezoning request is granted, these proffers and conditions will supersede all proffers and conditions that may now exist on the Property.

This application contains three exhibits described as follows:

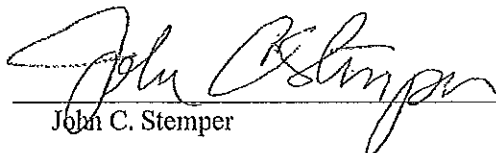
Exhibit A —Site Plan prepared by Blackwell Engineering, PLC and dated February 4, 2009.

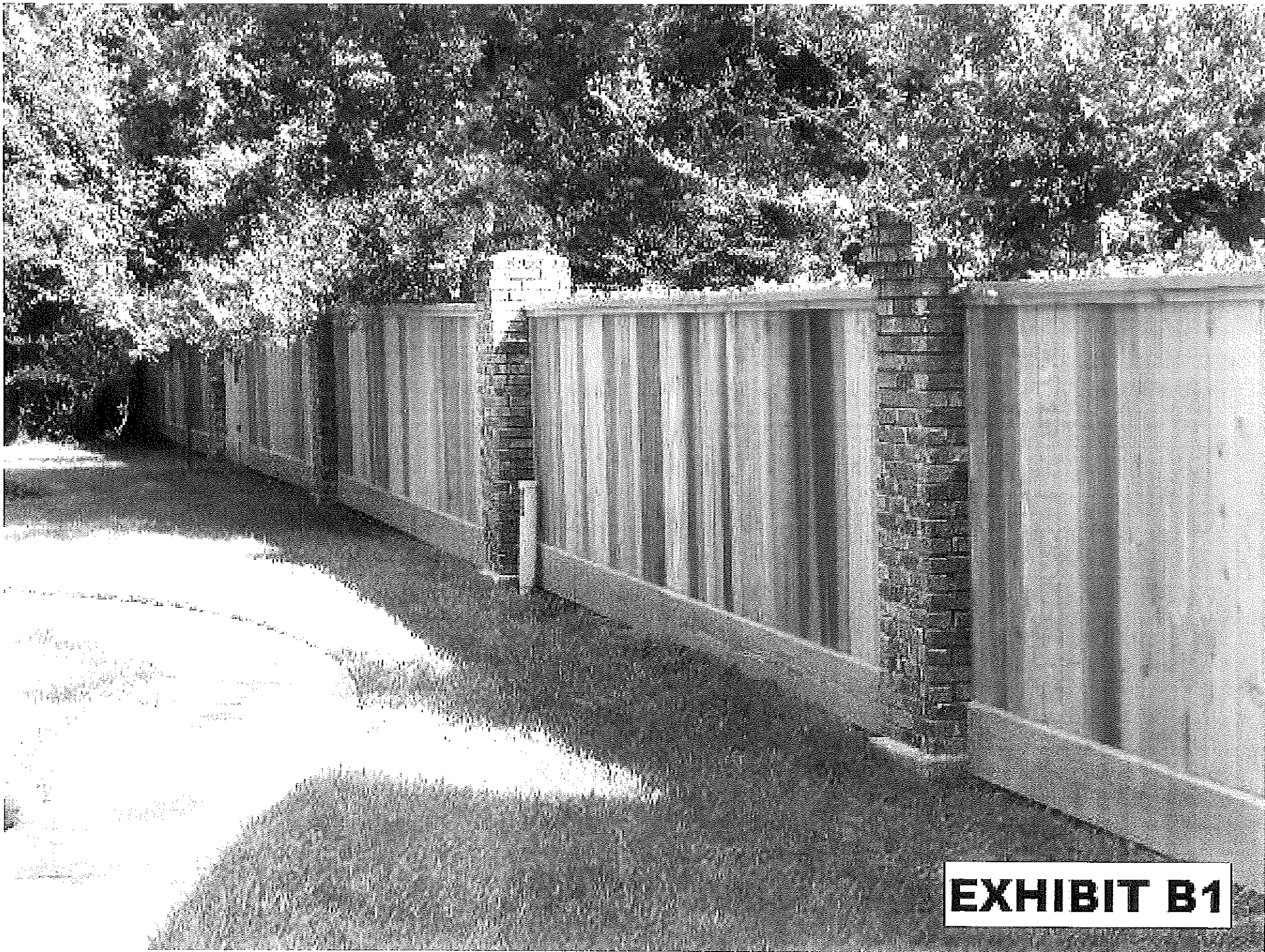
Exhibit B — Three (3) examples of proposed buffer fencing types.

Exhibit C—Example of building façade and architecture.

1. The Site Plan provided in Exhibit A is proffered as to general layout, approximate square footage of the building and dedicated parking. The amount of commercial space will be up to 2816 sq.ft., and the amount of residential space will be up to 6570 sq. ft. The number of residential units will not exceed 7. The number of bedrooms will not exceed 9. The building will be Mixed Use.
2. The occupancy of each residential unit will not exceed a single family or two unrelated persons per unit.
3. Parking for residential units will be one space per bedroom. Parking for commercial space will be one space for each 300 sq. ft.
4. Use Restrictions. The following uses as delineated in Harrisonburg's Zoning Ordinance, Article P. B-1 Central Business District, § 10-3-84 shall be permitted on the Property:
  - 1) Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores,
  - 2) Governmental, business, and professional offices and financial institutions,
  - 3) Hotels, motels, and buildings used for dwelling units, CBD, as defined under Article F, except that such occupancy may be superseded by building regulations,
  - 4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education,
  - 5) Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities,
  - 6) General service or repair shops, when not employing more than ten (10) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building,
  - 8) Accessory uses incidental to any permitted uses which are attached to or within the principal building.
5. Applications will be made for all Special Uses where necessary.
6. Buffer. A 6' fence of one type shown in Exhibit B will be placed on the west boundary of the property.
7. Landscaping will include a minimum of two (2) deciduous trees or planters and a minimum of 10 bushes in locations as shown on the conceptual plan.
8. The buildings will have a brick façade on the south side of the building facing Wolfe St. and the east side facing the railroad, and no vinyl siding will be used on any part of the façade. A brick walkway or brick stamped decorative concrete will be provided on the south and east sides of the building where elevation permits. The style of the buildings will be esthetically similar to Exhibit C. A bicycle rack will be located on the property.
9. Severability. The unenforceability, illegality, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

OWNER/DEVELOPER:

  
John C. Stemper



**EXHIBIT B1**



**EXHIBIT B2**



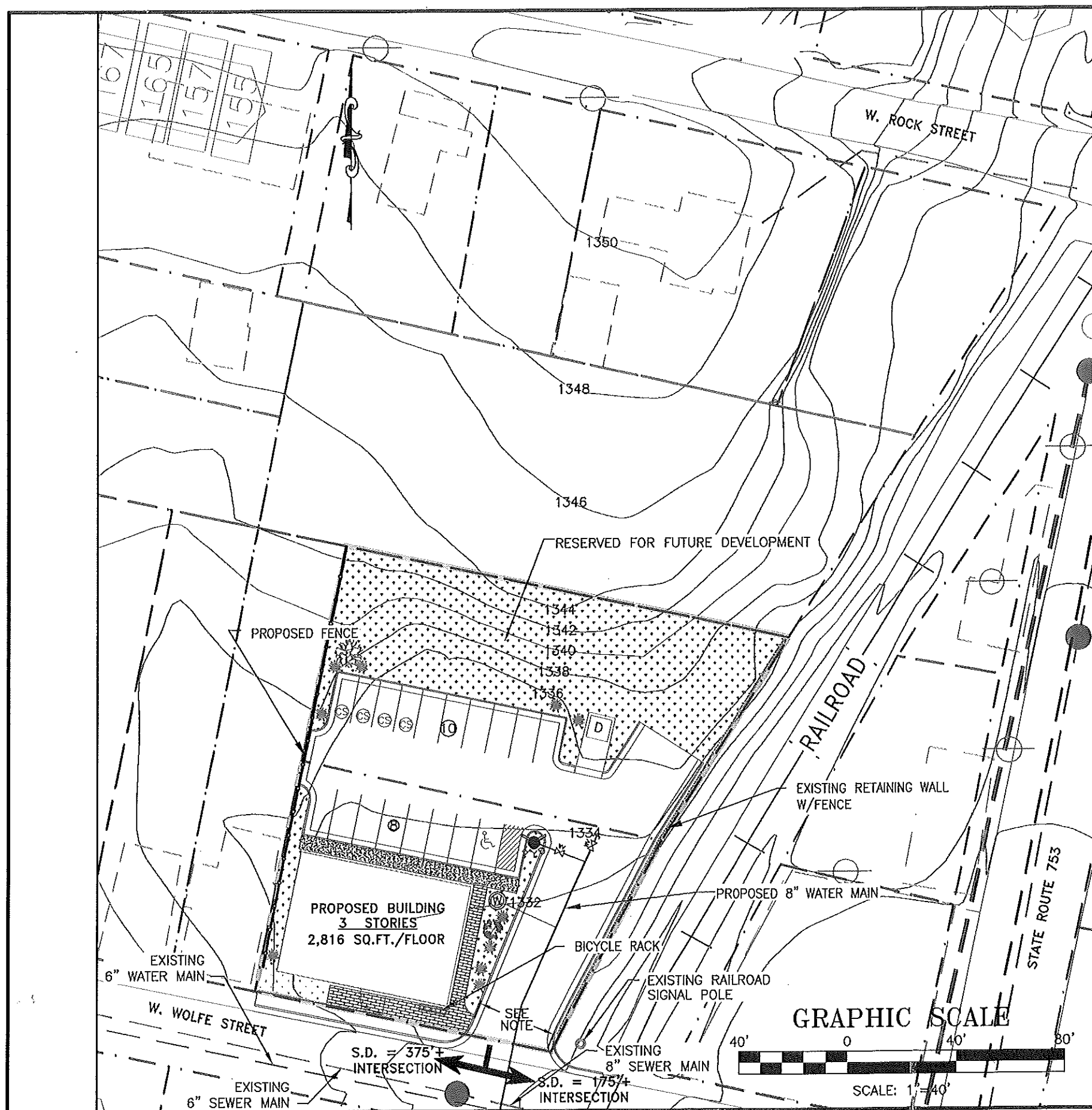


**EXHIBIT B3**





EXHIBIT C



**OWNER/DEVELOPER:**  
LEO COOK/JOHN STEMPER  
WROCKSTREET, LLC  
231 DIXIE AVE.  
HARRISONBURG, VA 22801  
PHONE: 770 852-9320  
540 476-1501

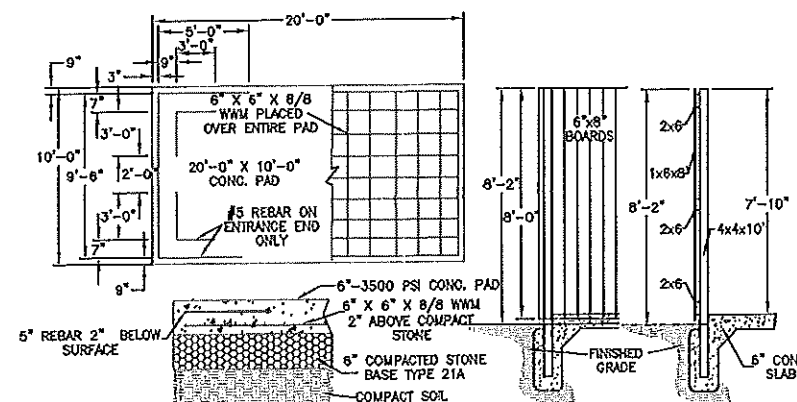
**PROPERTY INFO:**  
TM# 35-0-4,5  
LOCATION:  
120 WEST WOLFE STREET  
HARRISONBURG, VA. 22801  
0.520± ACRES  
ZONED: M-1  
USE: 0.240 AC.-UNDEVELOPED  
&  
0.281 AC.-CAR WASH  
FEMA FLOOD ZONE X

**DEVELOPMENT INFO:**  
PROPOSED REZONE:  
FROM M-1 TO  
B-1C  
PROPOSED USE:  
COMMERCIAL/RESIDENTIAL  
COMPLEX  
UP TO 7 RESIDENTIAL UNITS  
UP TO 2816 SF COMMERCIAL

NOTE: ENTRANCE DESIGN TO BE DETERMINED DURING  
COMPREHENSIVE SITE PLAN REVIEW PROCESS.

## LEGEND

- CENTER LINE
- ⊗ EXISTING UTILITY POLE
- ☆ EXISTING LIGHT POLES
- ⊗ PROPOSED UTILITY POLE
- W — WATER LINES
- S — SANITARY LINES
- O — SANITARY SEWER CLEANOUT
- D — STORM SYSTEM
- PL — PROPOSED DITCH
- PL — EXISTING PROPERTY LINE
- — SETBACK LINE
- — EASEMENT LINE
- — EXISTING BUILDING
- — PROPOSED BUILDING
- — PROPOSED ROAD/EOP
- — PROPOSED PARKING
- — EXISTING ROAD
- CS COMPACT PARKING SPACE
- CG-2 OR CG-6 CURBING: CG-2 OR CG-6
- CG-12/ASPHALT RAMP HANDICAP PARKING
- DUMPSTER
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- WATER VALVE
- WATER METER
- EXISTING FENCE LINE
- PROPOSED FENCE
- CONCRETE PAVING
- BRICK/STAMPED CONCRETE
- HEAVY PAVEMENT
- LIGHT PAVEMENT
- GRAVEL AREA
- GRASS AREA
- TRAFFIC FLOW



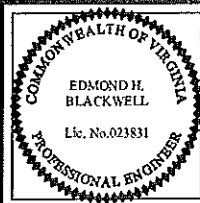
**GARBAGE DUMPSTER  
PAD DETAIL**  
NTS

**DUMPSTER SCREENING**  
NTS

**BLACKWELL  
ENGINEERING, PLC**  
566 East Market Street  
Harrisonburg, Virginia 22801  
Phone: (540) 432-9555 BEO@BlackwellEngineering.com Fax: (540) 434-7604

Date: 2-4-09  
Revision Date

Designed by: EHB  
Scale: 1"=40'  
Drawn by: RIJ  
Job No. 1967



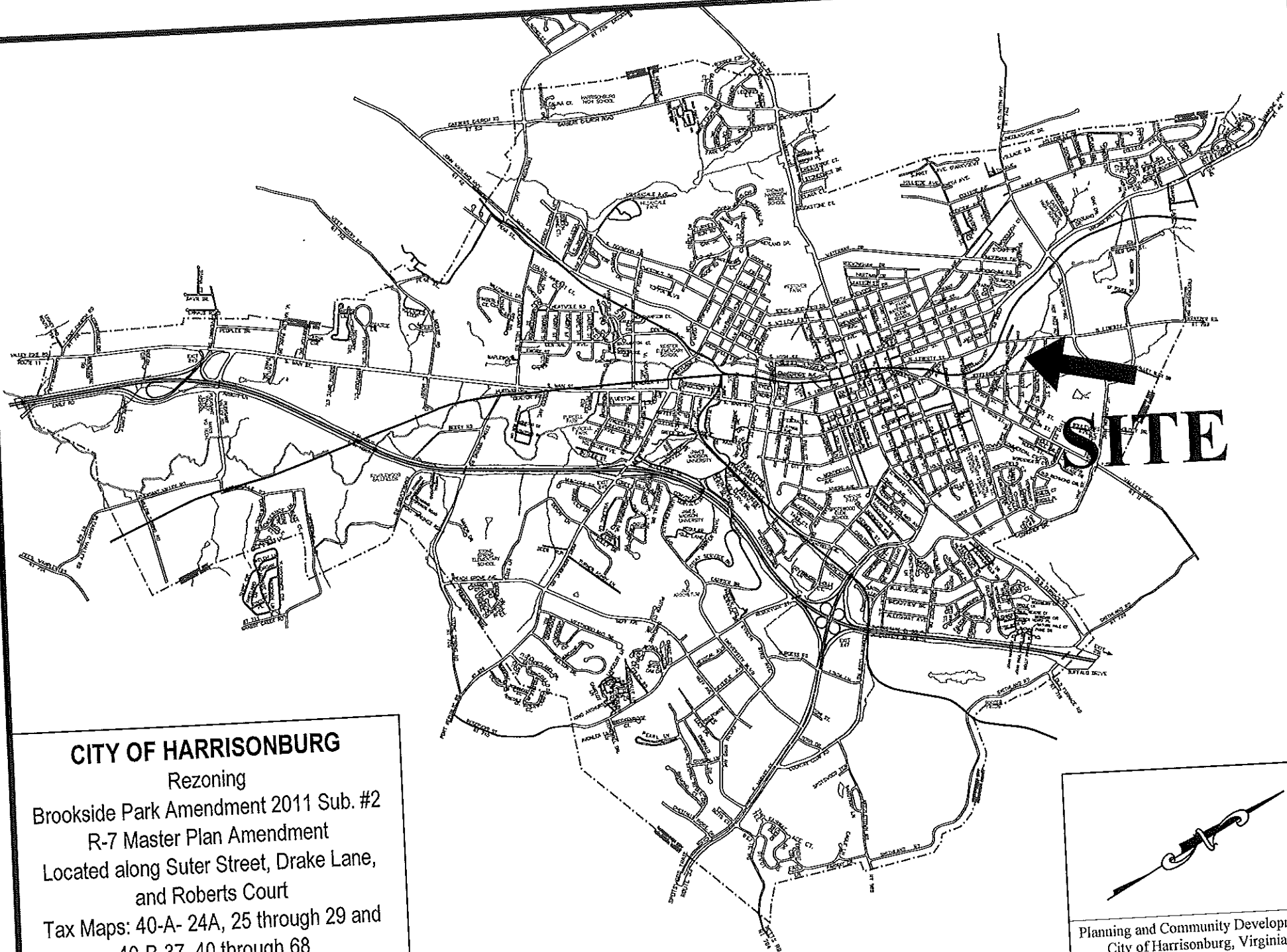
## PROPOSED REZONING

WEST WOLFE STREET COMPLEX  
WROCKSTREET, LLC  
231 DIXIE AVE.  
HARRISONBURG, VA 22801

Drawing No.

1

of 1 Sheets



## CITY OF HARRISONBURG

Rezoning

Brookside Park Amendment 2011 Sub. #2

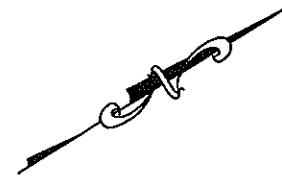
R-7 Master Plan Amendment

Located along Suter Street, Drake Lane,  
and Roberts Court

Tax Maps: 40-A- 24A, 25 through 29 and  
40-B-37, 40 through 68

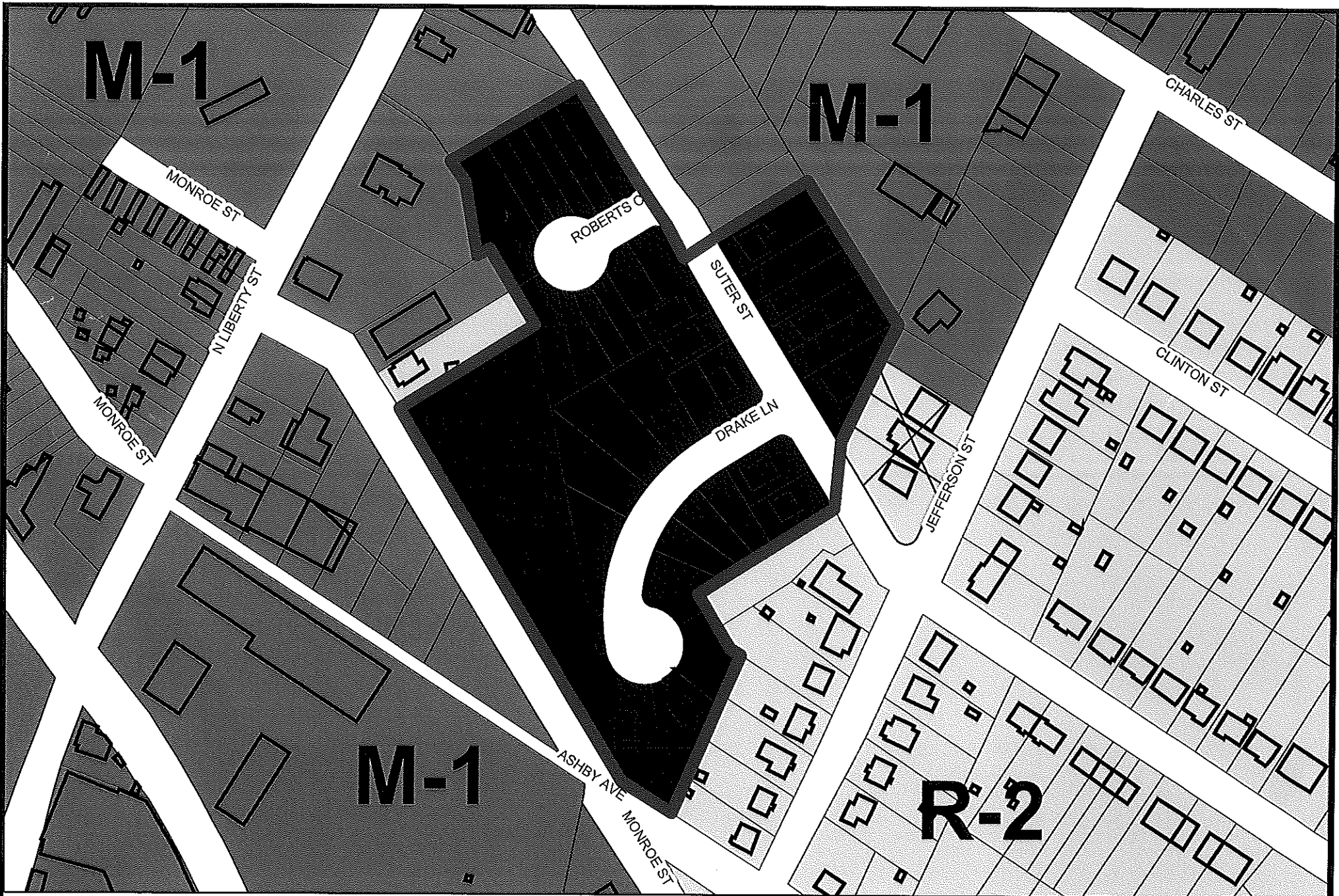
7.11 +/- acres

**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia





# Brookside Park Amendment 2011 Submission #2





# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT September 14, 2011

### REZONING – BROOKSIDE PARK R-7 PLAN AMENDMENT #2

#### GENERAL INFORMATION

**Applicant:** Diversified Development Solutions, LLC, and other Brookside Park property owners  
**Tax Map:** 40-A-24A, 25-29 and 40-B-37, 40-68  
**Acreage:** 7.11 acres  
**Location:** Along Suter Street, Drake Lane and Roberts Court  
**Request:** Public hearing to consider a request to revise 36 lots of R-7, Medium Density Mixed Residential Planned Community zoned parcels.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Medium Density Mixed Residential. This designation states that these largely undeveloped areas continue the existing medium density character of adjacent areas, but in a different form. They are planned for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. They should be planned communities that exhibit the same innovative features as described for the low density version of mixed residential development. The gross density of development in these areas should be in the range of 4 to 12 dwelling units per acre and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

The following land uses are located on and adjacent to the property:

**Site:** Single-family homes and undeveloped lots, zoned R-7  
**North:** Undeveloped lots, zoned M-1 and industrial uses, zoned M-1 and non-conforming single family home, zoned M-1  
**East:** Dwelling units, zoned R-2  
**South:** Dwelling units, zoned R-2  
**West:** Undeveloped lots, zoned M-1 and commercial and industrial uses, zoned M-1

#### HISTORY

This acreage was rezoned in June 2006 from R-2, Residential District and R-2C, Residential District Conditional to R-7, Medium Density Mixed Residential Planned Community. The R-7 approved plan of development consisted of 35 building lots and a 1.44 acre parcel set aside for a park. The applicant received preliminary plat approval in September 2006 and final plat approval in June 2007. All building lots front along public streets including Roberts Court, Drake Lane, and Suter Street. Site

work began on the property in April 2007 when the comprehensive site plan was approved, and the first building permits were approved in the summer of 2007.

The master development plan described three different dwelling types: courtyard homes, single family detached homes, and duplexes. The plan identified six courtyard dwelling lots, fifteen single family detached lots and fourteen duplex lots. The courtyard homes allowed a buyer the option of three different styles of buildings. The single-family detached homes had five home style choices and the duplex lots had four home style options. An attached garage was defined for each home style option.

As an R-7 development, the area, width, depth, and setbacks for each lot must conform to the approved plan and narrative description of the project as well as the defined landscaping features. Additionally, the applicant offered the following as part of their responsibilities for the development of this project:

1. A tree of 2" or greater caliper in each yard.
2. Landscaping for each unit.
3. Upgraded light poles.
4. Front of unit to have masonry accents.
5. Exposed block foundation covered with masonry product.
6. Asphalt or concrete driveway.
7. Sidewalk to be concrete from driveway to front door.

In October 2007, an amendment was approved to revise the Brookside Park plan of development. The revision combined the courtyard and single-family detached home style choices, as well as added three new options. This provided a potential homebuyer a choice of ten different home styles to choose from and allowed for more variety within the subdivision. Additionally, the revision exchanged a proposed duplex lot for two single-family detached lots, and adjusted rear setbacks for lots abutting the open space.

### **EVAULATION**

The current request is to amend the master plan of development by removing the requirement of an attached garage for every dwelling option. Diversified Development Solutions, LLC owns six of the twelve duplex lots within Brookside Park; specifically, six lots fronting along the northern side of Roberts Court. With a desire to offer a more affordable product to the homebuyer, the applicant would like to have the option to construct the six dwellings (three duplexes) without garages. Instead, an asphalt or concrete driveway would be provided that could accommodate two vehicles. If approved, the applicant has a buyer for the parcels who intends to construct the duplexes. All other proffers and specifics of the approved plan of development would remain the same.

Because Brookside Park is a master planned community it can only be developed and redeveloped in accordance with the approved master plan adopted at the time of rezoning or a subsequent approved amendment, where all property owners must give consent. Prior to submitting an application for zoning amendment, the applicant met with individual property owners of Brookside Park regarding the change to the specific six parcels and obtained signatures from each owner, which gave consent for the proposed amendment.

After the application was submitted for review, staff visited the site and observed that several of the vacant lots within the subdivision were in violation of the City's tall grass and weeds ordinance,

Section 16-6-58. In addition, some of the same lots were in violation of Section 6-2-6 for the accumulation of junk, rubbish, or trash. A notice of violation for the infractions was mailed to each property owner where violations existed.

Staff also noticed that proffers within the approved plan of development had not been met for all of the existing dwelling lots. The proffer to provide a tree of 2 inches or greater caliper in each yard had not been fulfilled; eight of thirteen developed parcels do not have a tree as proffered. Because the applicant is one of the original developers of Brookside Park and still maintains ownership in nine of the vacant parcels within the subdivision, staff contacted them with the non-compliance issue, rather than writing a notice of violation to each individual homeowner. At this time, a solution to resolve the non-compliant status has not been proposed; however, the applicant has stated a desire to cooperate with the City on this issue rather than notifying each homeowner.

The requested revision would not affect the intent of the project nor change the design layout of the community; and therefore staff recommends in favor of the request. However, the property owners must correct their violations relating to tall grass and weeds and the accumulation of junk and other debris on the site. As well, the proffer violation shall be rectified. Failure to correct any violation could result in a misdemeanor charge. It should be clearly understood, that if the rezoning is approved, City staff will continue to ensure that each lot is brought into compliance with City Code and the approved plan of development.

Date Application Received: 07-12-11

Total Paid: need \$615.00

## Application for Change of Zoning District City of Harrisonburg, Virginia

### Section 1: Property Owner's Information

Name: Diversified Development Solutions, LLC  
Street Address: 109 Sharon Street Email: zax.48@hotmail.com  
City/State/Zip: Harrisonburg, VA 22801  
Telephone (work): 540-578-2836 (home or cellular): same (fax): \_\_\_\_\_

### Section 2: Owner's Representative Information

Name: Zach Roberts  
Street Address: 350 Robin Road Ct. Email: SAME  
City/State/Zip: Broadway, VA 22815  
Telephone (work): SAME (home or cellular): SAME (fax): \_\_\_\_\_

### Section 3: Description of Property

Location (street address): Brookside Park Subdivision  
Tax Map Number: Sheet: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Total Land Area (acres or square feet): 7.11 Acres  
Existing Zoning District: R-7 Proposed Zoning District \*: R-7  
Existing Comprehensive Plan Designation: Medium Density Mixed Residential Planned Community

\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper

### Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)  
\$375.00 \$30.00

- (a) Would the development from this rezoning require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_\_\_ No X

If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.

PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?  
Yes \_\_\_\_\_ No X

If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: ATTACHED  
East: ON  
South: SEPERATE  
West: SHEET

### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: \_\_\_\_\_

Property Owner

Zach Roberts

See Back for Items Required for Submission

Mr R Prader

**ITEMS REQUIRED FOR SUBMISSION**

- |                                     |                             |
|-------------------------------------|-----------------------------|
| <input checked="" type="checkbox"/> | Completed Application       |
| <input type="checkbox"/>            | Survey of Property          |
| <input checked="" type="checkbox"/> | Description of Proposed Use |
| <input checked="" type="checkbox"/> | Adjacent Property Owners    |

- |                                     |                          |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Fees Paid                |
| <input type="checkbox"/>            | Source Deed              |
| <input checked="" type="checkbox"/> | Proffers (if applicable) |
| <input type="checkbox"/>            | _____                    |

12/5/2010

Adam Fletcher, City Planner  
City of Harrisonburg Department of  
Planning & Community Development  
409 S. Main St.  
Harrisonburg, VA 22801

**SUBJECT: Brookside Park Subdivision Master Plan Revisions.**

Dear Mr. Fletcher:

This letter details a request for an archetectural change for the above-mentioned tax map lots which are R-7, Medium Density Mixed Residential Planned Community (RPC). The area involved with this rezoning is a total of 7.11 acres. Our request deals with the inclusion of garages on the Duplex lots ONLY. Our request is that it be allowed on these lots for the preapproved dwelling to have the option to be constructed without garages, but with a driveway suitable for two vehicles. The driveway will ensure parking considerations are accounted for also. In our current market climate, we feel this will allow us to offer a more affordable product to our end customer without sacrificing quality or square footage. All other proffers shall not be altered.

Thank you for your time and consideration.

Sincerely,

Zach Roberts

11/28/2010

Diversified Development Solutions, LLC

109 Sharon Sharon Street

Harrisonburg, VA 22801

To Whom It May Concern:

It is the intention of Diversified Development Solutions is to sell 3 duplex lots on the right side of Roberts Court. The buyer has requested to build the duplexes without garages. Your signature below shall indicate your agreement with the proposal attached, to allow the duplexes to be built without garages.

LOT	SIGNATURE	ADDRESS	DATE
	Wanda Perez	259 Suter	11/30
	Simanzal	260 Suter	12/7
	Nancy Martinez	251 Suter	12/8/3
	Libia Hernandez	211 Suter	
	Edith Espinoza	236 Suter	11/30
	Norma Medina	220 Suter	
	Pedro Rojas	910 Drake	11/30
	Raquel Martinez	926 Drake	11/30
	Carlos Arce	963 Drake	11/30
	Martha Bustillos	966 Drake	11/30
	Maisha	975 Drake	11/30
	Komal Vaish	244 Suter St.	07/27/2011

Diversified Development Solutions, LLC  
 109 Sharon Sharon Street  
 Harrisonburg, VA 22801

To Whom It May Concern:

It is the intention of Diversified Development Solutions is to sell 3 duplex lots on the right side of Roberts Court. The buyer has requested to build the duplexes without garages. The buyer also requested two lots on the right side of Suter. Your signature below shall indicate your agreement with the proposal attached, to allow the construction without garages.

LOT	SIGNATURE	ADDRESS	DATE
-----	-----------	---------	------

	<i>Duella</i>	974 Drake St. Harrisonburg	5-19-11
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	<i>Tim Ferguson</i>		7-10-11





1010 NORTH MAIN STREET — HARRISONBURG, VA 22802  
540.442.8787 — FAX 540.442.9090

August 29, 2007

Adam Fletcher, City Planner  
City of Harrisonburg Department of  
Planning & Community Development  
409 S. Main St.  
Harrisonburg, VA 22801

**SUBJECT: Brookside Park Subdivision Master Plan Revisions.**

Dear Mr. Fletcher:

Brookside Park Subdivision an R-7, Medium Density Mixed Residential Planned Community (RPC), would like to amend there Master Plan to reflect the following changes:

Combine house types for single-family residential and courtyard homes. This would just allow courtyard and single-family lots to select from the same group of house types. Three (3) new single-family residential house types and one (1) new duplex house type, which are similar in style, are being added to these groups.

The following amendments to the single-family residential homes are being requested. Revise the back setback for single-family residential lots backing the park / conservation area from 20 ft. to 5 ft. and requiring these lots to have a minimum lot area of 7,500 sq. ft. This would only affect lots 16 & 17. In addition, change the land use of Lots 22 & 23 from duplex to single-family residential. This would reduce the duplex number of lots from 14 to 12 and increase the single-family residential from 15 to 17. Since, Lots 22 & 23 are being changed to single-family residential from duplex the Springfield will no longer be in the duplex house types.

Please note that all amendments are denoted by ***Bold Italic Text***.

1) Courtyard Homes, 6 Total (17.1% of Total):

- a. Lot dimensions (minimum);
  - i. Width = 40 ft.
  - ii. Depth = 130 ft.
  - iii. Area = 5,200 sq. ft.

- b. Setbacks;
  - i. Front = 20 ft.
  - ii. Side = 0 ft. on one side and 10' on the other side.
  - iii. Back = 20 ft.

c. ***House Types:***

***See House Types in Single Family Residence Section c. House Types.***

2) Single Family Residential, *17 Total (48.6% of Total)*:

- a. Lot dimensions (minimum); Width = 45 ft. @ Setback.
  - i. Depth = 70 ft., except cul-de-sac lots, where they can reduce the Depth but must maintain an average depth of 65' and minimum lot area of 5,500 sq. ft.
  - ii. Area = 4,150 sq. ft.
- b. Setbacks;
  - i. Front = 20 ft
  - ii. Side = 5 ft.
  - iii. *Back*
    - A. *20 ft for Lots not backing on Park/Conservation Area.*
    - B. *5 ft for Lots backing on Park/Conservation Area with a minimum lot area of 7,500.*
- c. House Types:
  - i. Springfield - is a one-story 50' x 27'-8", 1,182 sq. ft. home that will have a two car attached garage. See attached footprint and data sheet.
  - ii. Chatham - is a two-story 30' x 24', 1,392 sq. ft. home that will have both one car & two car garages. See attached footprint and data sheet.
  - iii. Hampstead - is a two story 36' x 24', 1,728 sq. ft. that will have a one car. See attached footprint and data sheet.
  - iv. Kent - is a one-story 42' x 24', 1,008 sq. ft. home that will have a one car attached garage. See attached footprint and data sheet.
  - v. Surry - is a one-story 44' x 27'-8", 1,215 sq. ft. home that will have a one car attached garage. See attached footprint and data sheet.
  - vi. *Lauderdale-is a one story 30' x 49', 1270 sq. ft. home that will have a one car attached garage. See attached footprint and data sheet.*
  - vii. *Franklin - is a one story 38' x 46', 1268 sq. ft. home that will have a two car attached garage. See attached footprint and data sheet.*
  - viii. *Frederick - is a two story 27'8" x 48', 1265 sq. ft. home that will have a partially unfinished downstairs and an attached single car garage.*
  - ix. Essex - is a two story Cape Cod style home 30' x 27'-8", a 1,386 sq. ft. that will have a two car detached garage. It is a modified Waterberry. See attached footprint and data sheet.
  - x. Waterberry - is a two story Cape Cod style home 34' x 27'-8", a 1,571 sq. ft. that will have a two car detached garage connected by a breezeway. See attached footprint and data sheet.

3) Duplex Lots, *Total 12 Units (34.3% of Total)*:

- a. Lot dimensions (minimum);
  - i. Width = 25 ft. @ Setback,
  - ii. Depth = 90 ft.
  - iii. Area = 3,000 sq. ft.
- b. Setbacks;
  - i. Front = 20 ft. on Class A Streets, 25 ft. on All Others.
  - ii. Side = 10 ft.
  - iii. Back = 20 ft.
- c. House Types:
  - i. 2832 - is a one-story 27'-8" x 32', 829 sq. ft. home that will have one car garage. See attached footprint and data sheet.

- ii. 1837/38 – is a three-story 18' x 37.5'36' x 24', 1,317 sq. ft. that will have a one car. See attached footprint and data sheet.
- iii. 1635/37 – is a three-story 16' x 37.5'36' x 24', 1,171 sq. ft. that will have a one car garage. See attached footprint and data sheet.
- iv. *Laurel - is a two story 20' x 42', 1150 sq. ft. that will have a one car attached garage. See attached footprint and data sheet.*

Note: Garages are not shown on data sheets but the manufacturer can modify these plans to accommodate for any reason. List of Proffers for each unit:

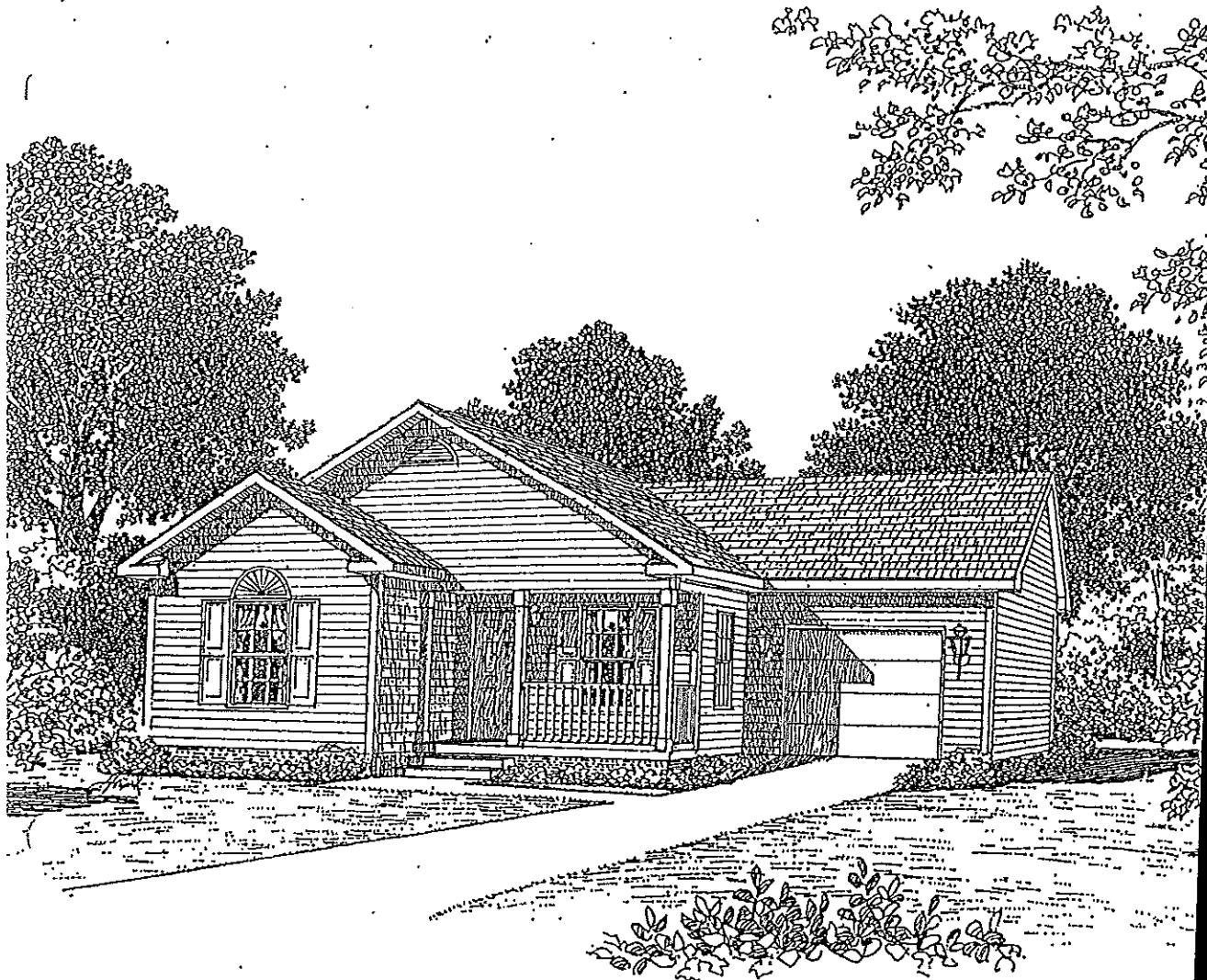
- 1. A tree of 2" or greater caliber in yard.
- 2. Landscaping for each unit.
- 3. Upgraded light poles.
- 4. Front of unit to have masonry accents.
- 5. Exposed block foundation covered with masonry product.
- 6. Asphalt or concrete driveway.
- 7. Sidewalk to be concrete from driveway to front door.
- 8. Patio homes will have concrete sidewalk from front door / porch to sidewalk at Suter Street.

The portion of the site is located within the 100-year flood plain of Black's Run and will be altered by the construction of the roadways to meet City of Harrisonburg's Design Standards. The developer will perform any necessary flood study and permitting as required by the federal, state and local government.

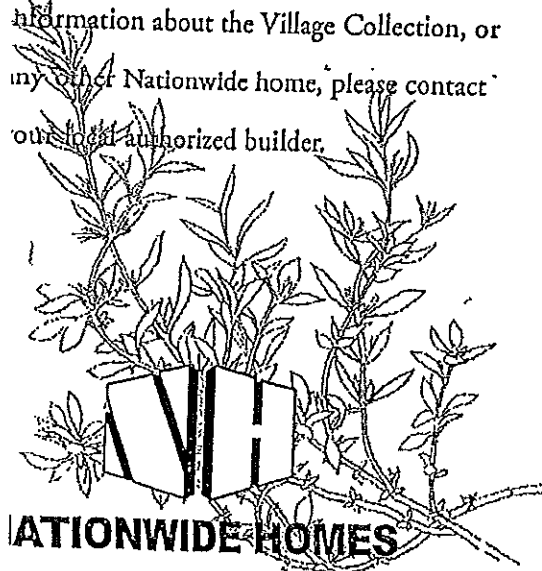
A preliminary landscaping plan has been included with the Master Plan for review, as the developer wishes to make this area an example that the City can use for future developments of this nature.

Sincerely,

R. Scott Sellers  
Owner Representative



The Village Collection is a classic series of homes by Nationwide Homes. Inspired by families and neighborhoods across the country, the series echoes a simpler time yet offers all the convenience, comfort and technological advances found in all of our homes. For more information about the Village Collection, or any other Nationwide home, please contact our local authorized builder.



## The Springfield

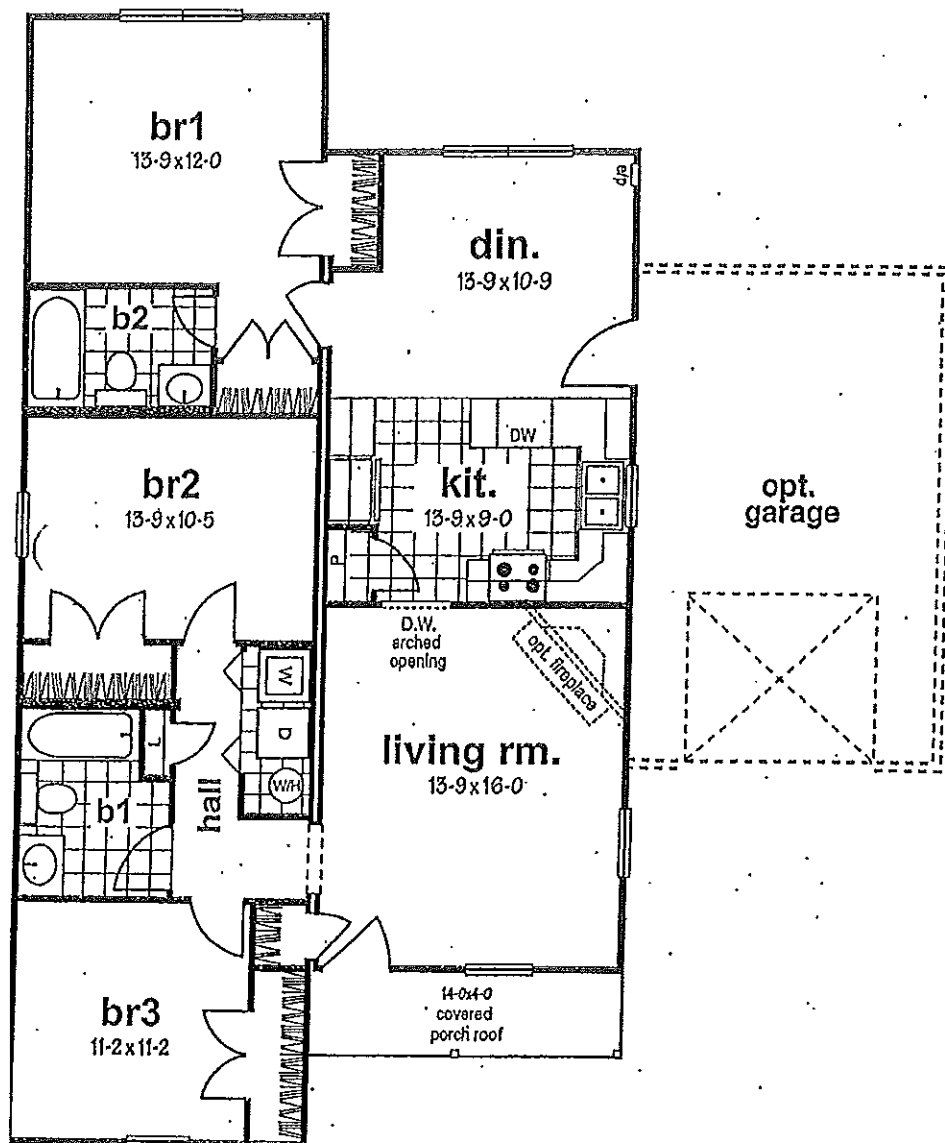
The Springfield is loaded with extras not often found in a house of this size. Well suited for narrow lots, the Springfield's interior floor plan is accented with a kitchen pantry and an arched opening transition between the living room and kitchen.

- 1,182 square feet
- Dimensional area 50-0 x 27-8
- Three bedrooms, two baths
- Private master bedroom with his and her closets
- 14 x 4 covered front porch
- Arched opening

THESE ARE ARTIST RENDERINGS FOR SALES PURPOSES ONLY;  
REFER TO WORKING DRAWINGS FOR ACTUAL DIMENSIONS

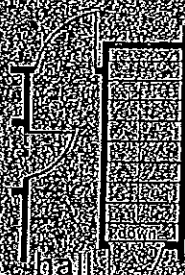
The Village Collection

# The Village Collection



The SPRINGFIELD

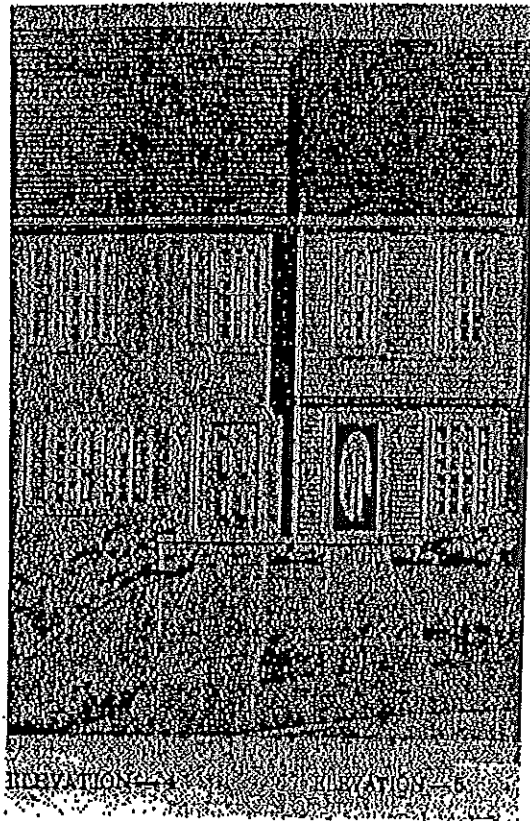
Alternate Plans



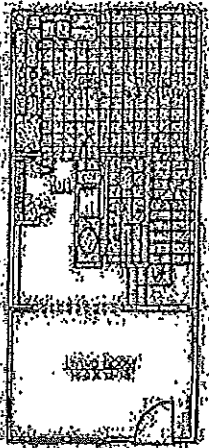
© 1994  
NATIONWIDE HOMES



NATIONWIDE HOMES



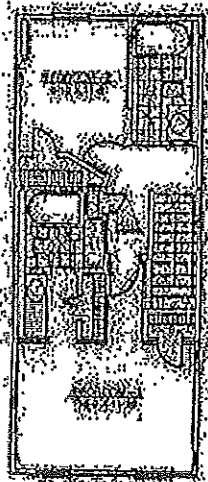
Modular Homes - Nationwide Homes - 1635/37



LOWER LEVEL

PLAN 1635/37

Plans shown to us on 10/1/74

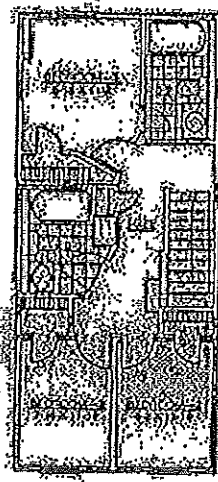


UPPER LEVEL (MODULAR SECTION)

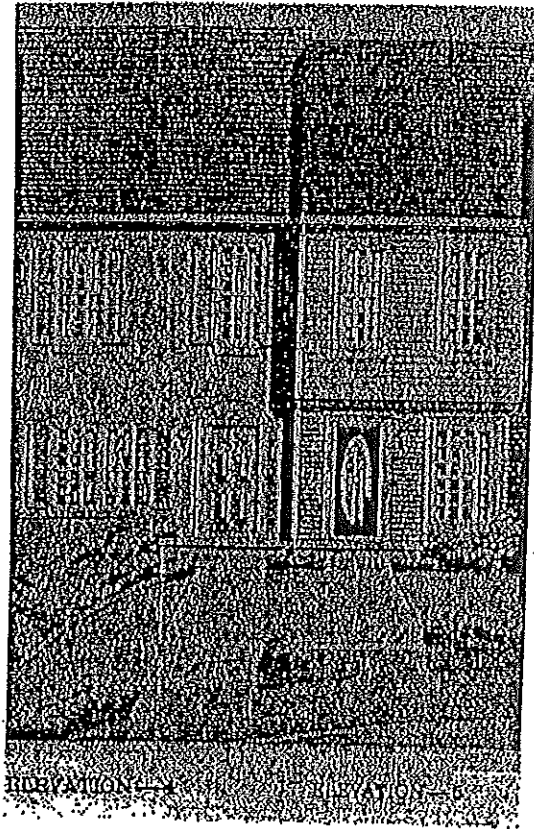
PLAN 1635/37

DIMENSIONAL AREA 16' 0 3/4" X 38' 0" (LOWER LEVEL)

DIMENSIONAL AREA 16' 0 3/4" X 37' 6" (UPPER LEVEL)

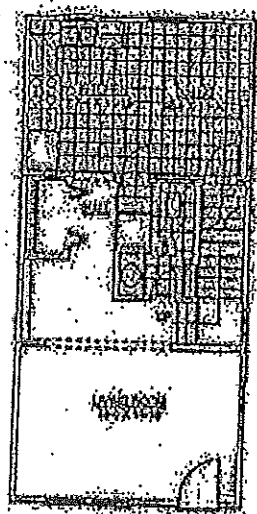


UPPER LEVEL (MODULAR SECTION)

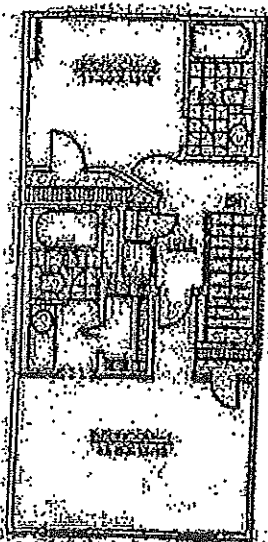


Modular Homes - Nationwide Homes - 1835/37'

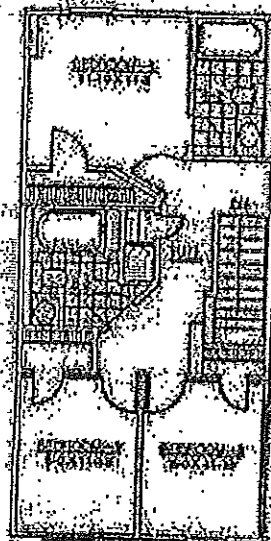




LOWER LEVEL



UPPER LEVEL (MODEL 2)  
2 BEDROOM



UPPER LEVEL (MODEL 3)  
3 BEDROOM



PLAN 1835/37

(Plan shown for use w/ elevation 4)

1817 SQ. FT.

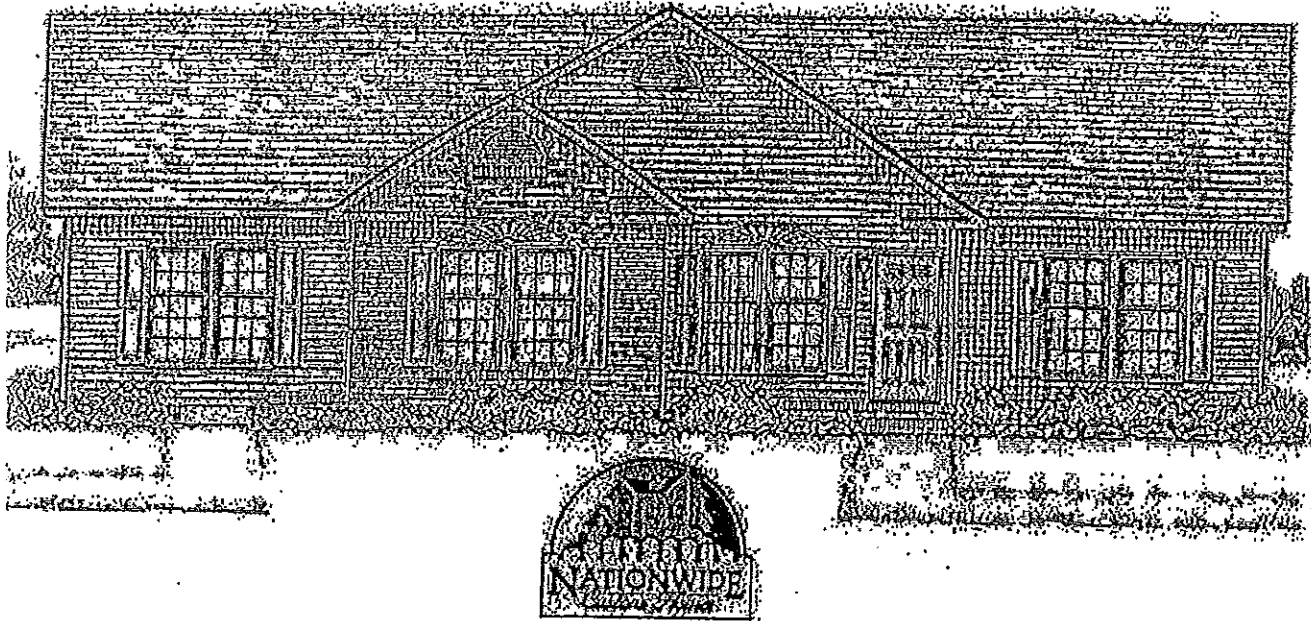
DIMENSIONAL AREA

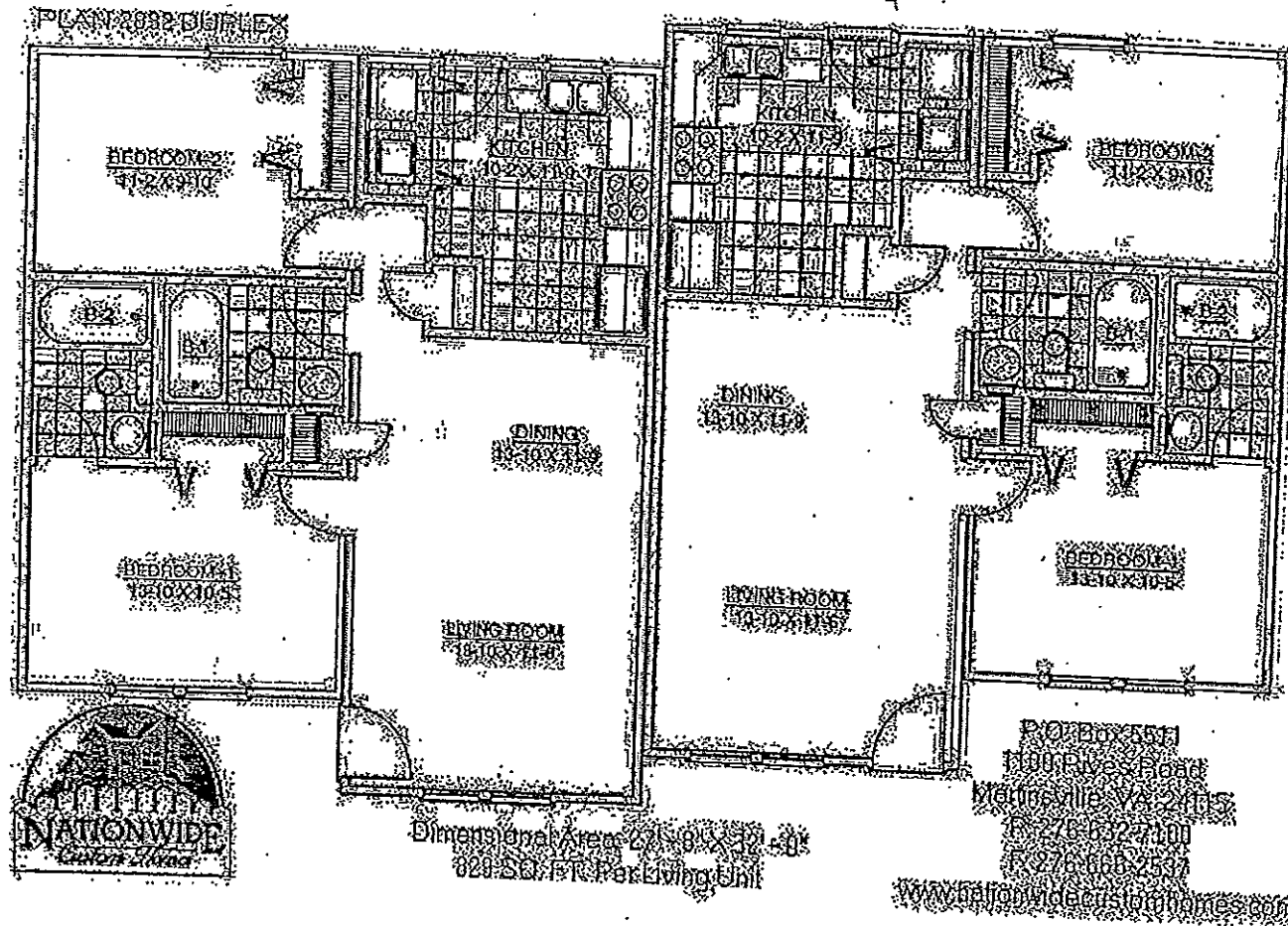
18'-0 1/2" X 35'-0" (LOWER LEVEL)

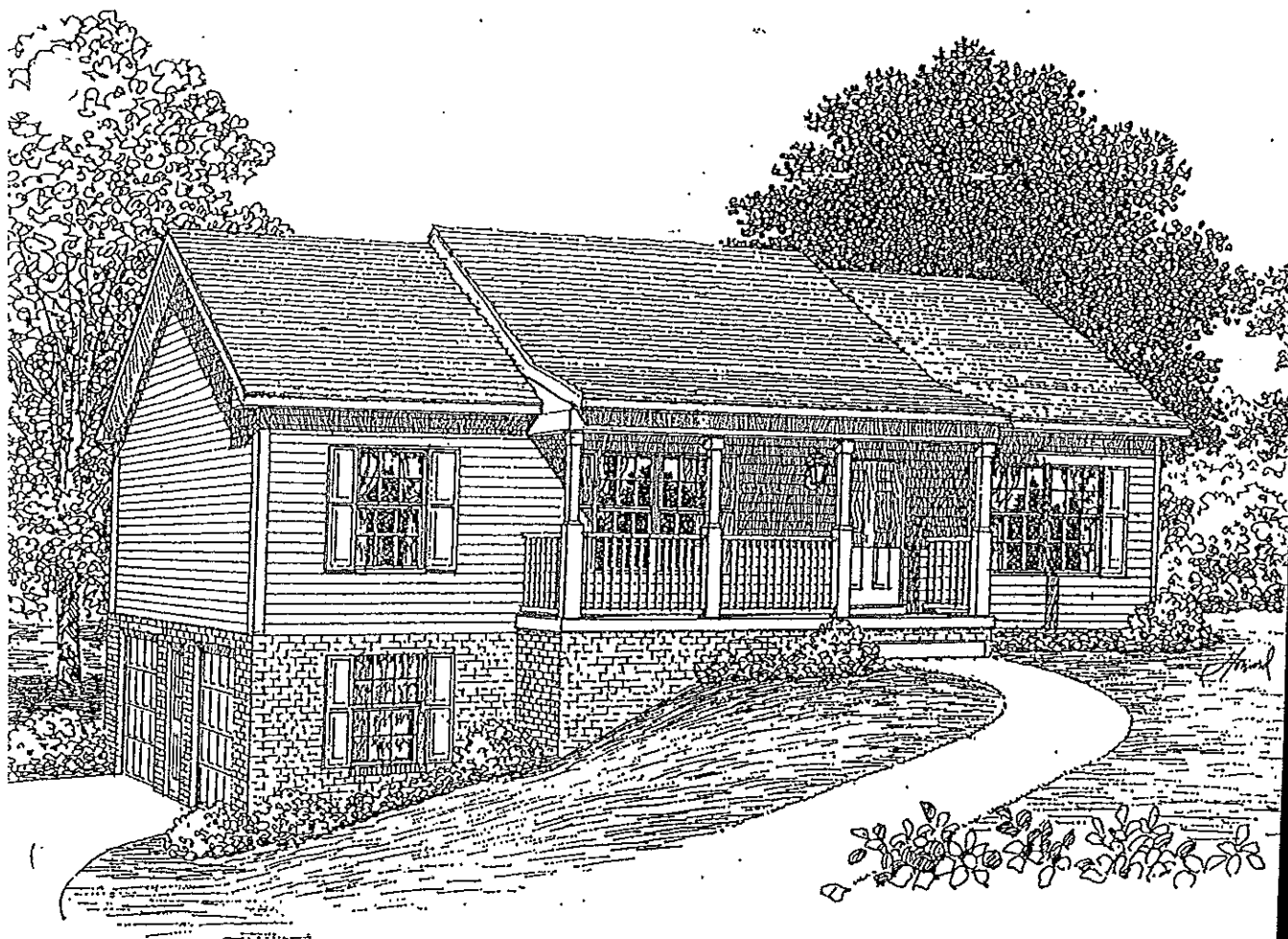
DIMENSIONAL AREA

19'-0 1/2" X 37'-0" (UPPER LEVEL)

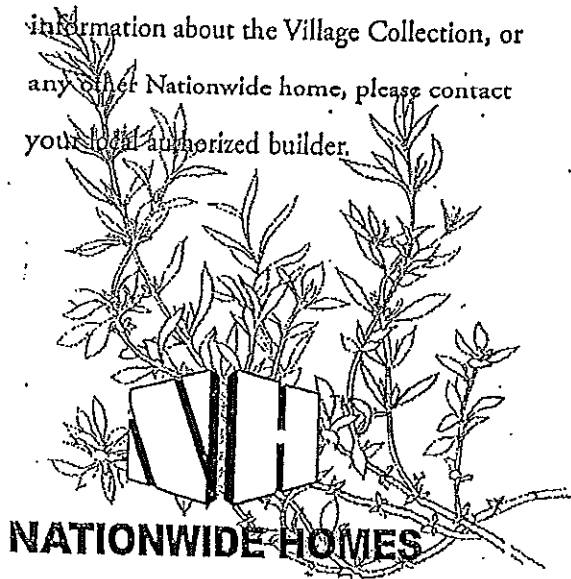
Elevation 2832 (2 Unit)







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## The Surry

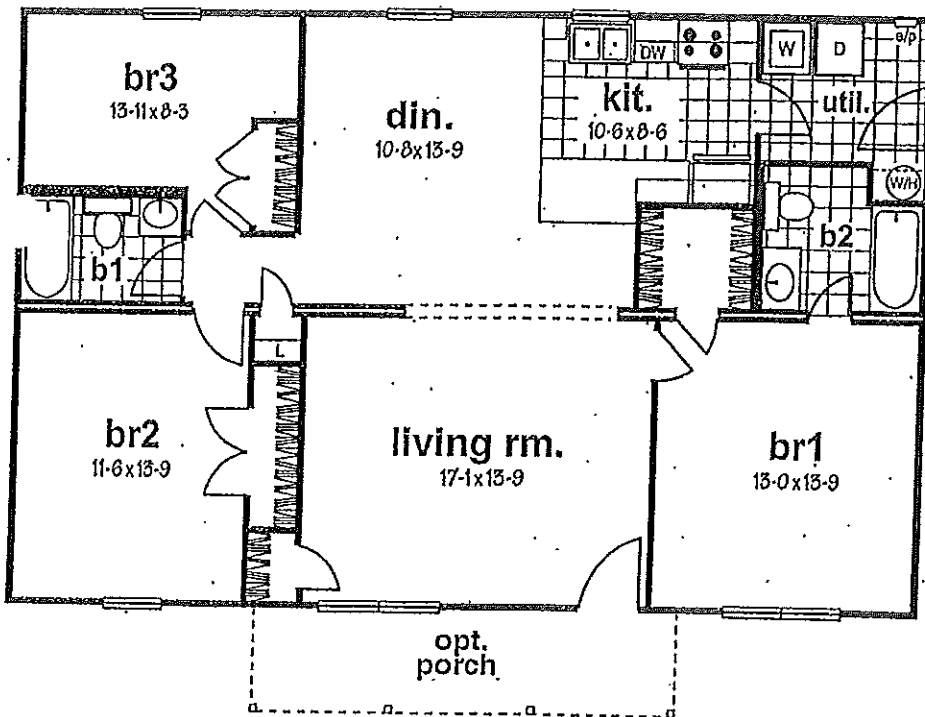
The Surry's expanded width gives this popular home design truly extra dimension. As an added benefit, quiet privacy is achieved through its master bedroom and split floor plan.

- 1,215 square feet
- Dimensional area 44-0 x 27-8
- Three bedrooms, two baths
- Private master bedroom with walk-in closet
- Spacious utility room
- Breakfast bar

THESE ARE ARTIST RENDERINGS FOR SALES PURPOSES ONLY.  
REFER TO WORKING DRAWINGS FOR ACTUAL DIMENSIONS.

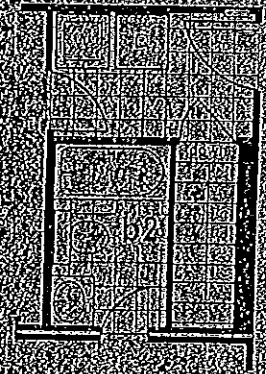
The Village Collection

# The Village Collection

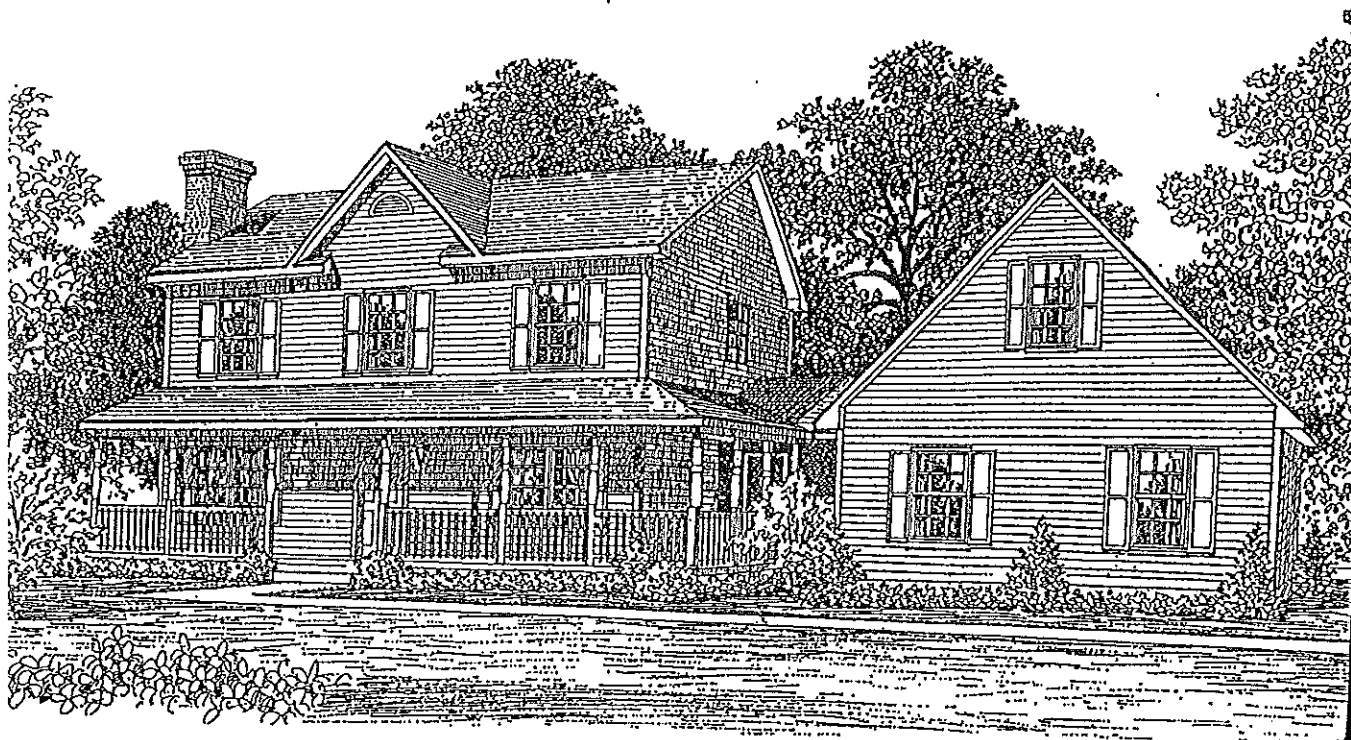


The SURRY

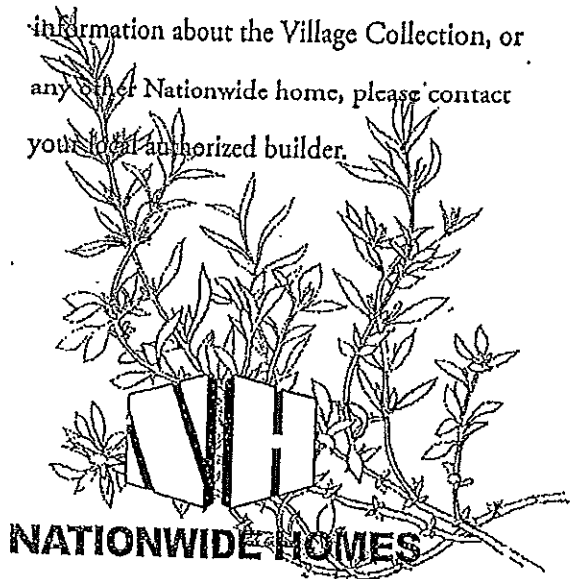
Alternate Plans



NATIONWIDE HOMES



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## The Hampstead

The Hampstead makes country living convenient and carefree with a first floor master bedroom suite. The appeal of this home is further dramatized by its open country kitchen and optional wrap around front porch.

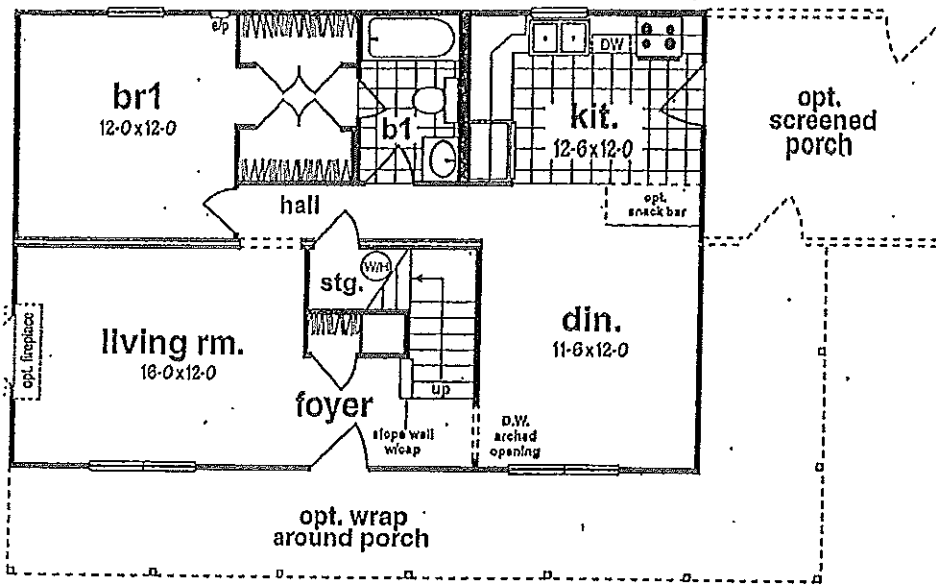
- 1,728 square feet
- Dimensional area 36-0 x 24-0
- One bedroom and bath downstairs
- Three bedrooms and two baths upstairs
- Alternate great room

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The Village Collection

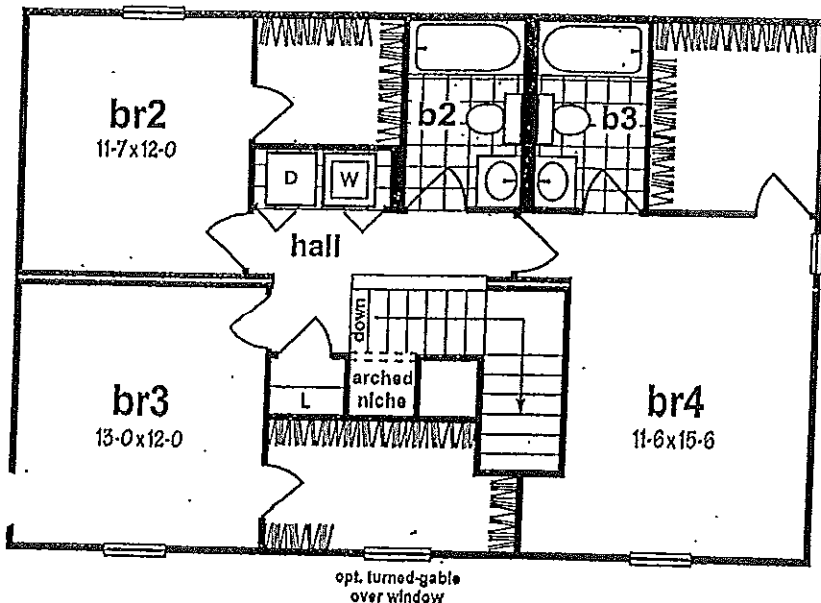


# The Village Collection



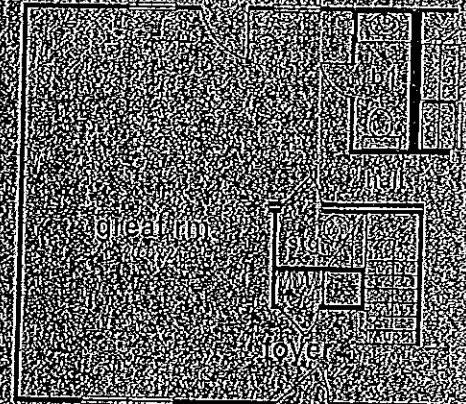
FIRST LEVEL

## The HAMPSTEAD

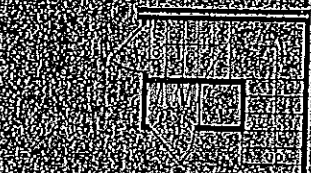


SECOND LEVEL

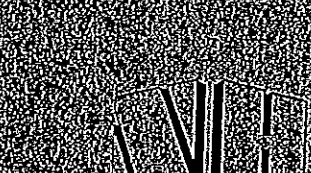
### Alternate Plans



### Alternate Plans



### Alternate Plans



NATIONWIDE HOMES

1-800-831-2222

www.nationwidehomes.com

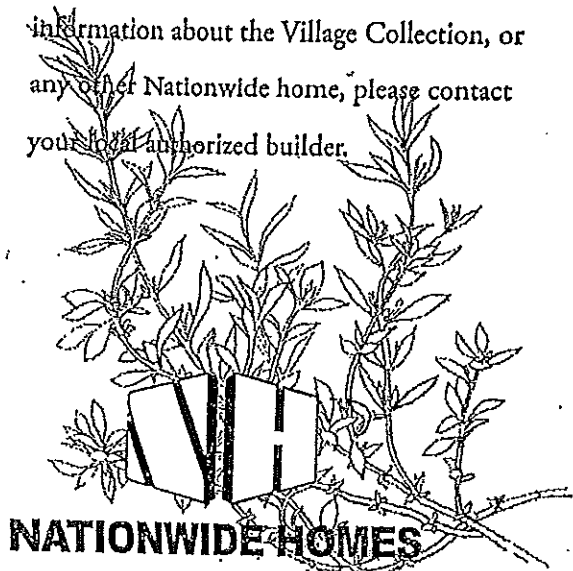


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## The Chatham

The Chatham's two-story design efficiently makes use of every bit of its space to provide for family friendly living. At home in either the city or the suburbs the Chatham is especially well suited to smaller and more narrow lots.

- 1,392 square feet
- Dimensional area 30-0 x 24-0
- Three bedrooms, two-and-a-half baths
- Formal dining and breakfast nook

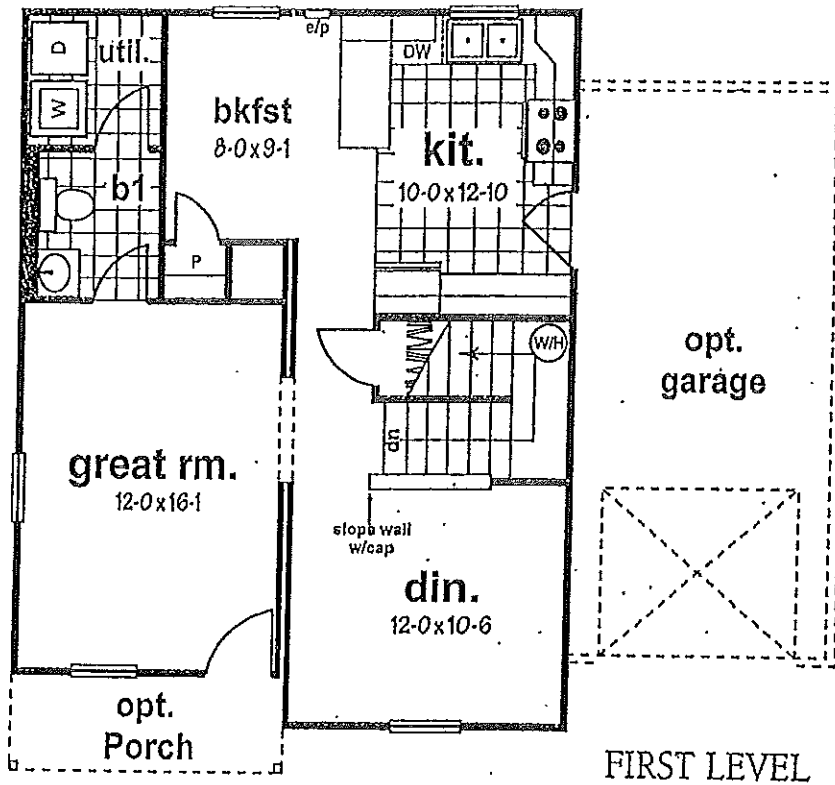


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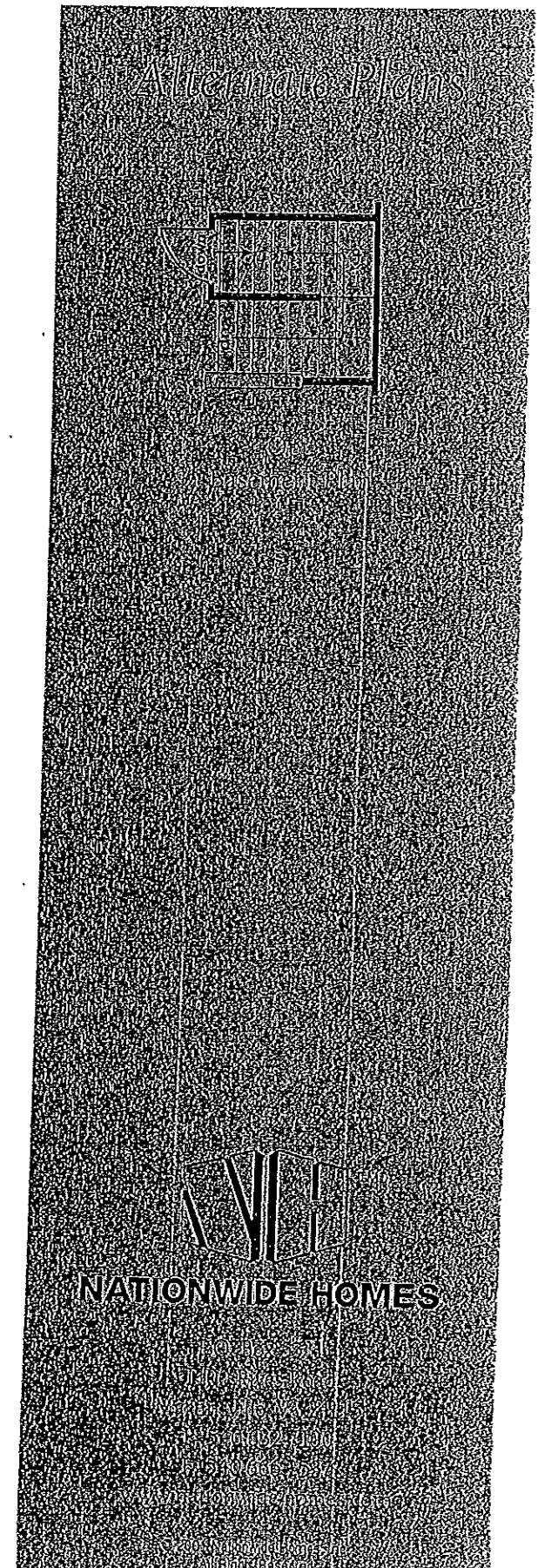
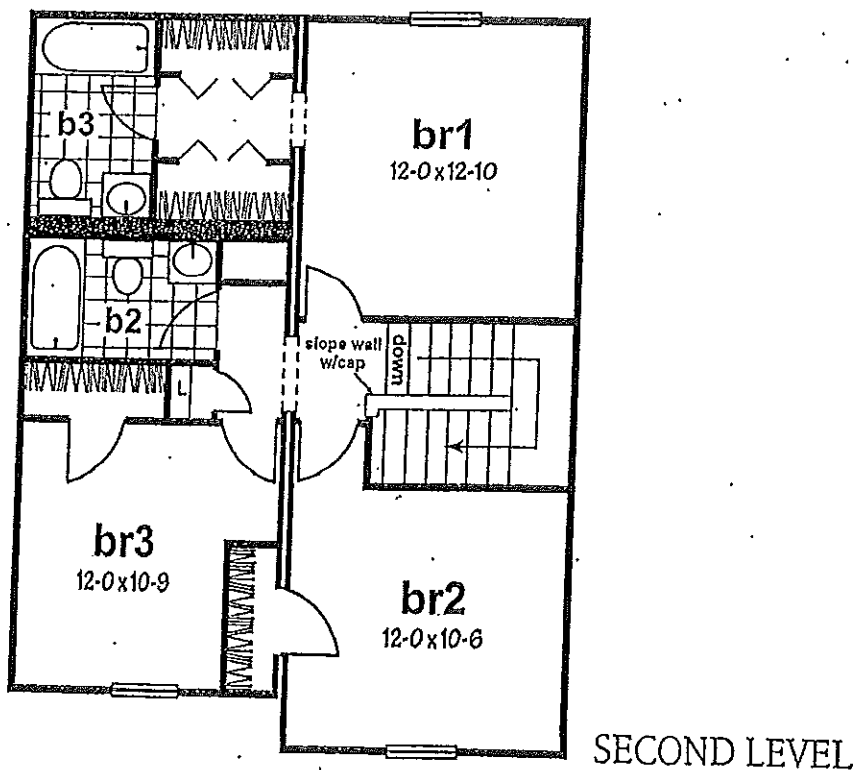
The Village Collection

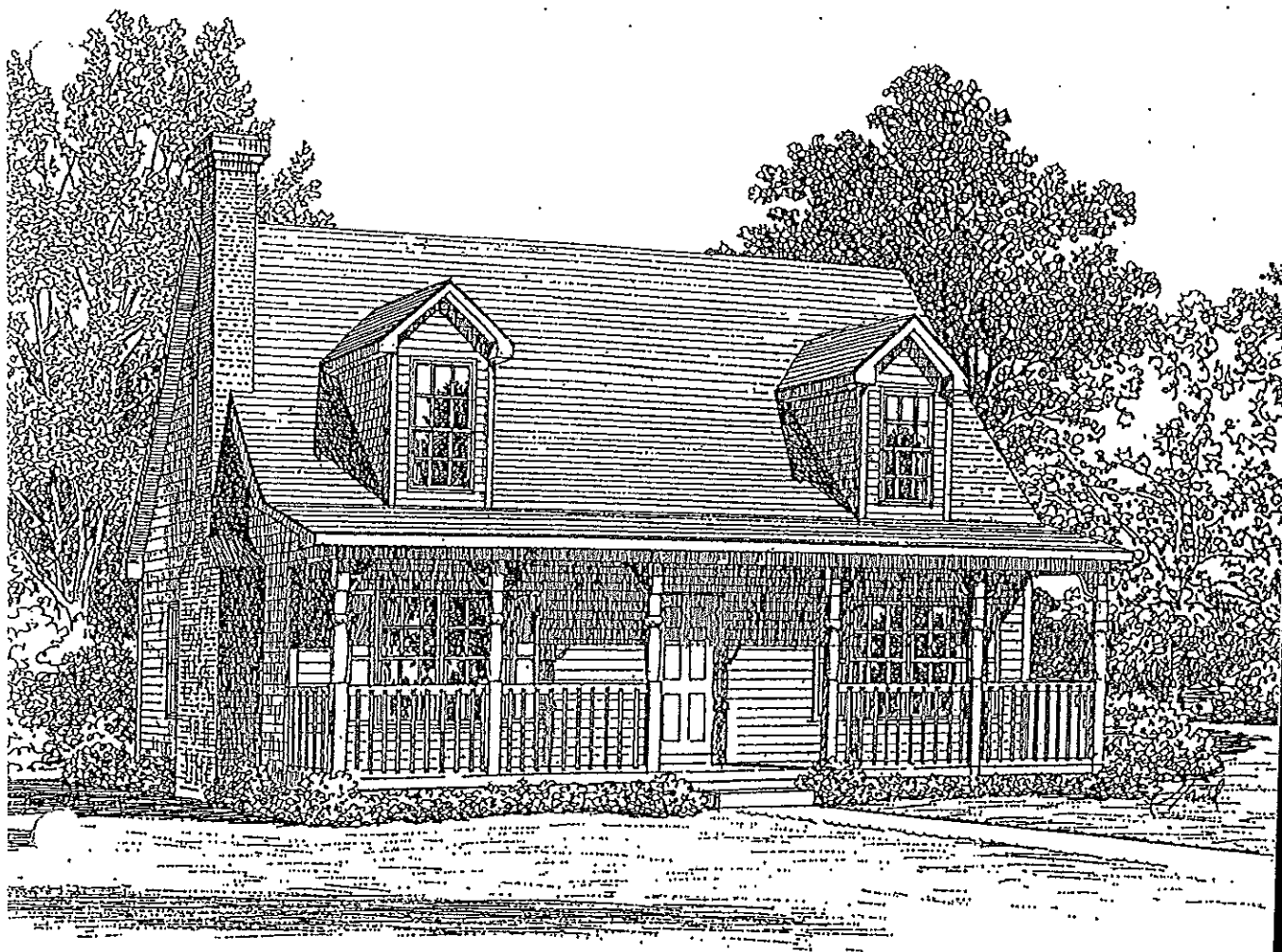


# The Village Collection

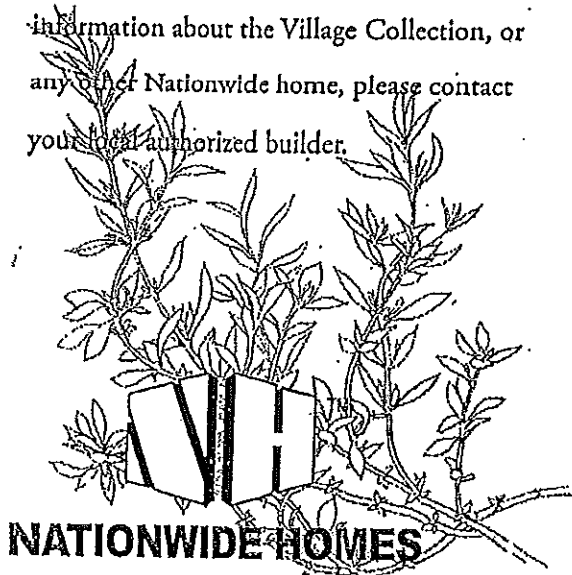


## The CHATHAM





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## The Waterberry

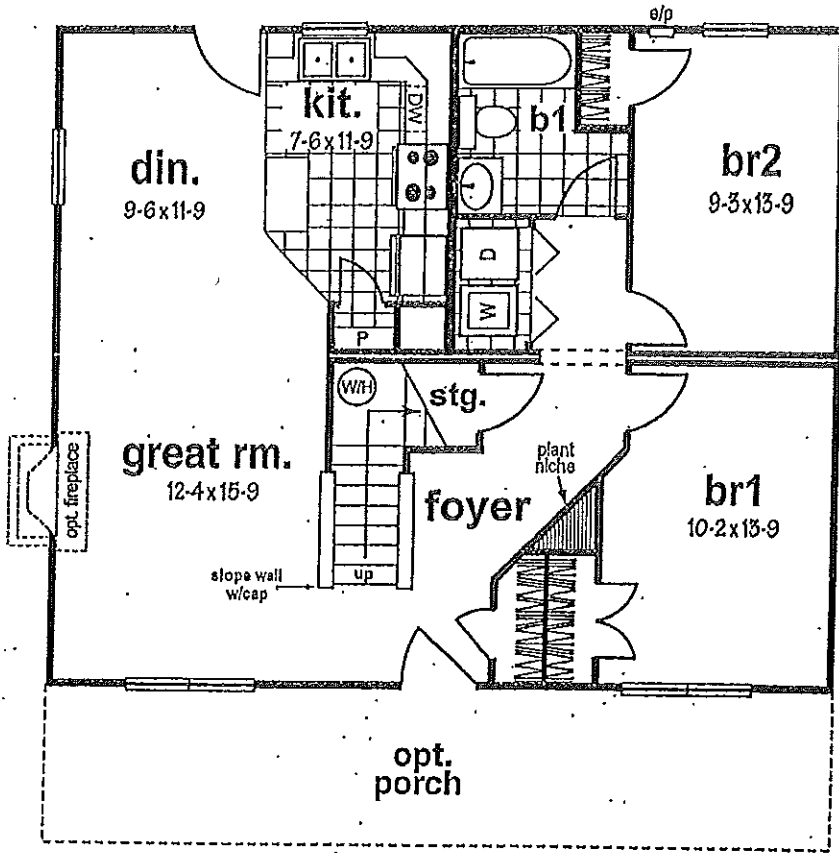
The Waterberry is right at home in the mountains, at the beach or in a quiet neighborhood. This cape cod floor plan has terrific eye appeal with its angled walls, open areas and alternate master bedroom suite.

- 1,571 square feet
- 939 finished floor square feet
- Dimensional area 34-0 x 27-8
- Four bedrooms, two baths
- Alternate private master bedroom suite and extra powder room
- Alternate kitchen
- Plant niche

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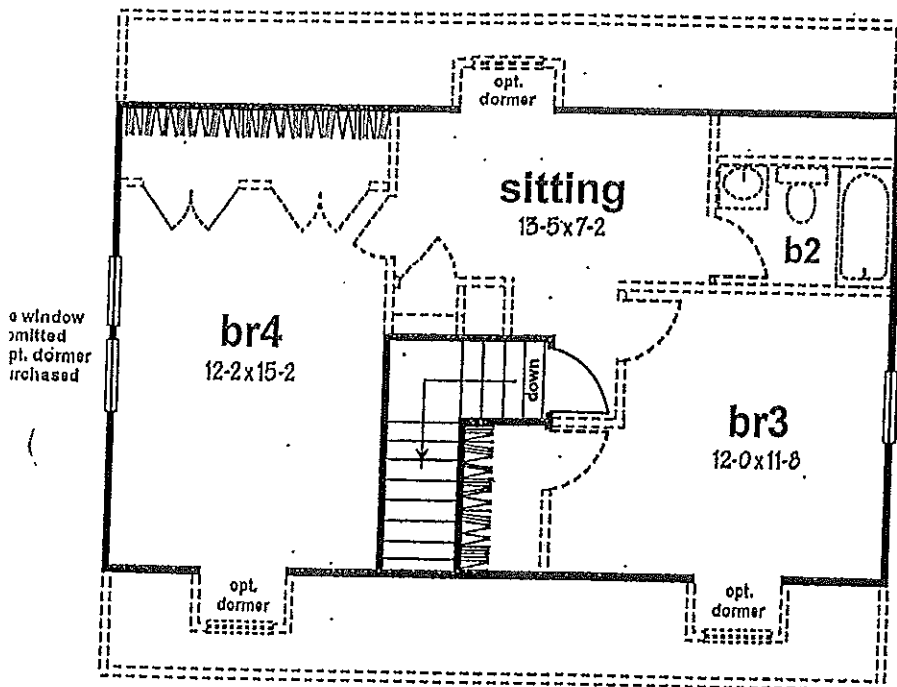
The Village Collection

# The Village Collection

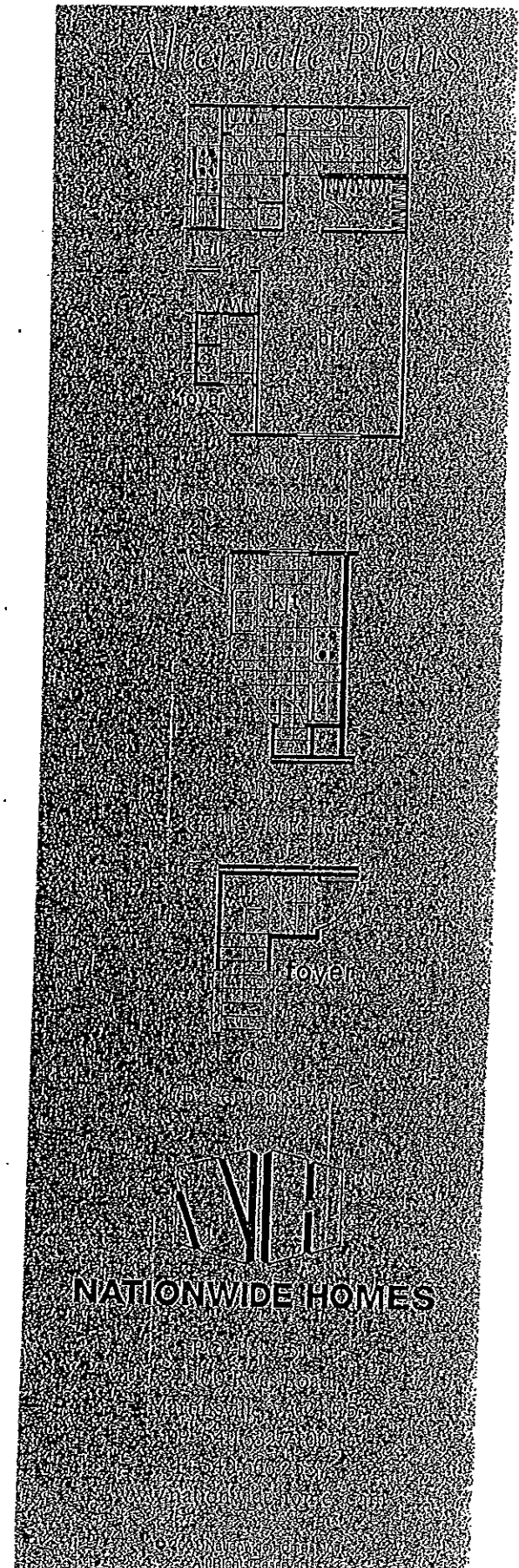


FIRST LEVEL

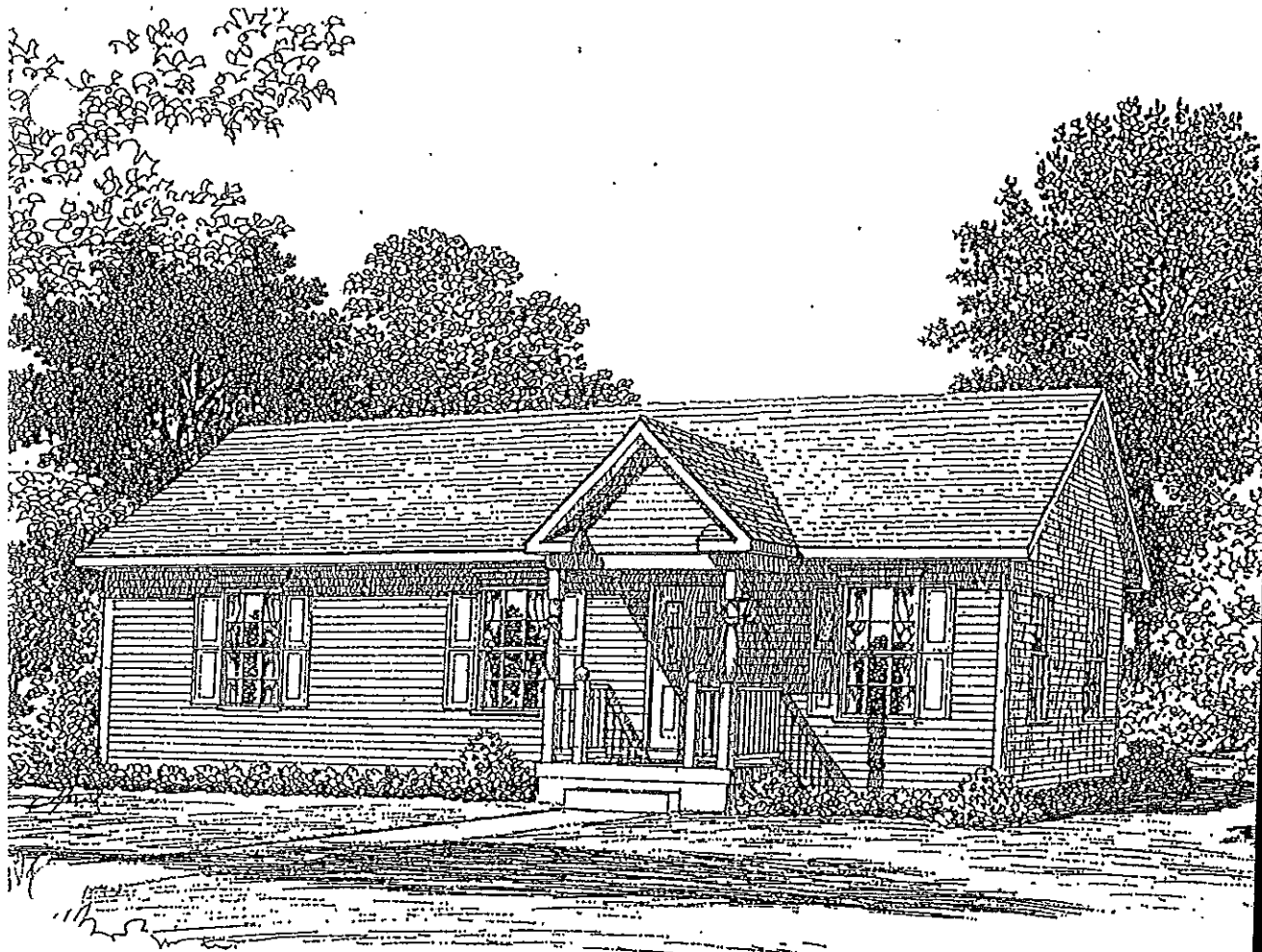
## The WATERBERRY



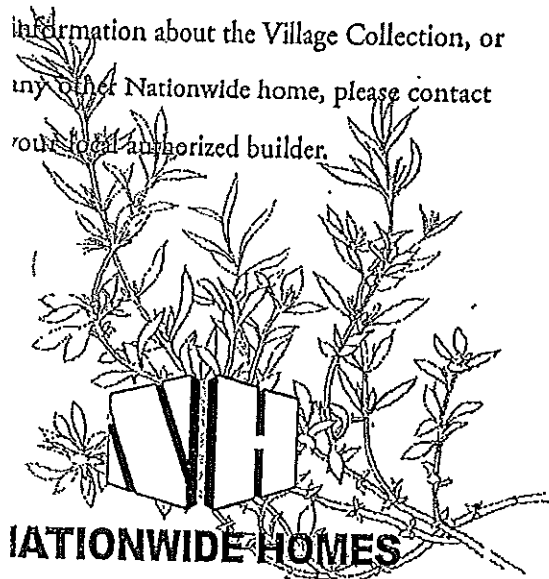
SECOND LEVEL



NATIONWIDE HOMES



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## The Kent

The Kent's key amenity is convenience in its functional floor plan. The exterior of the home is further enhanced by a front porch option.

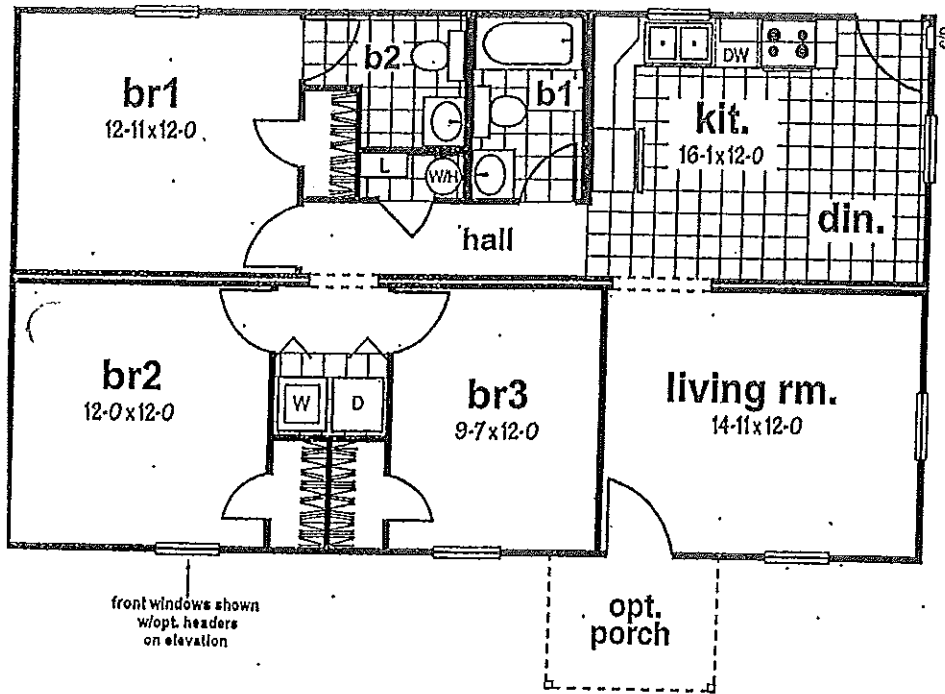
- 1,008 square feet
- Dimensional area 42-0 x 24-0
- Three bedrooms, one-and-a-half baths
- Alternate master bath with shower

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The Village Collection

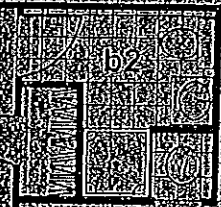


# The Village Collection

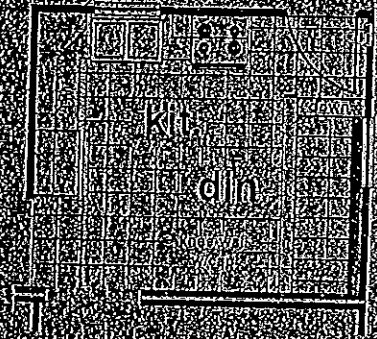


The KENT

## Alternate Plans



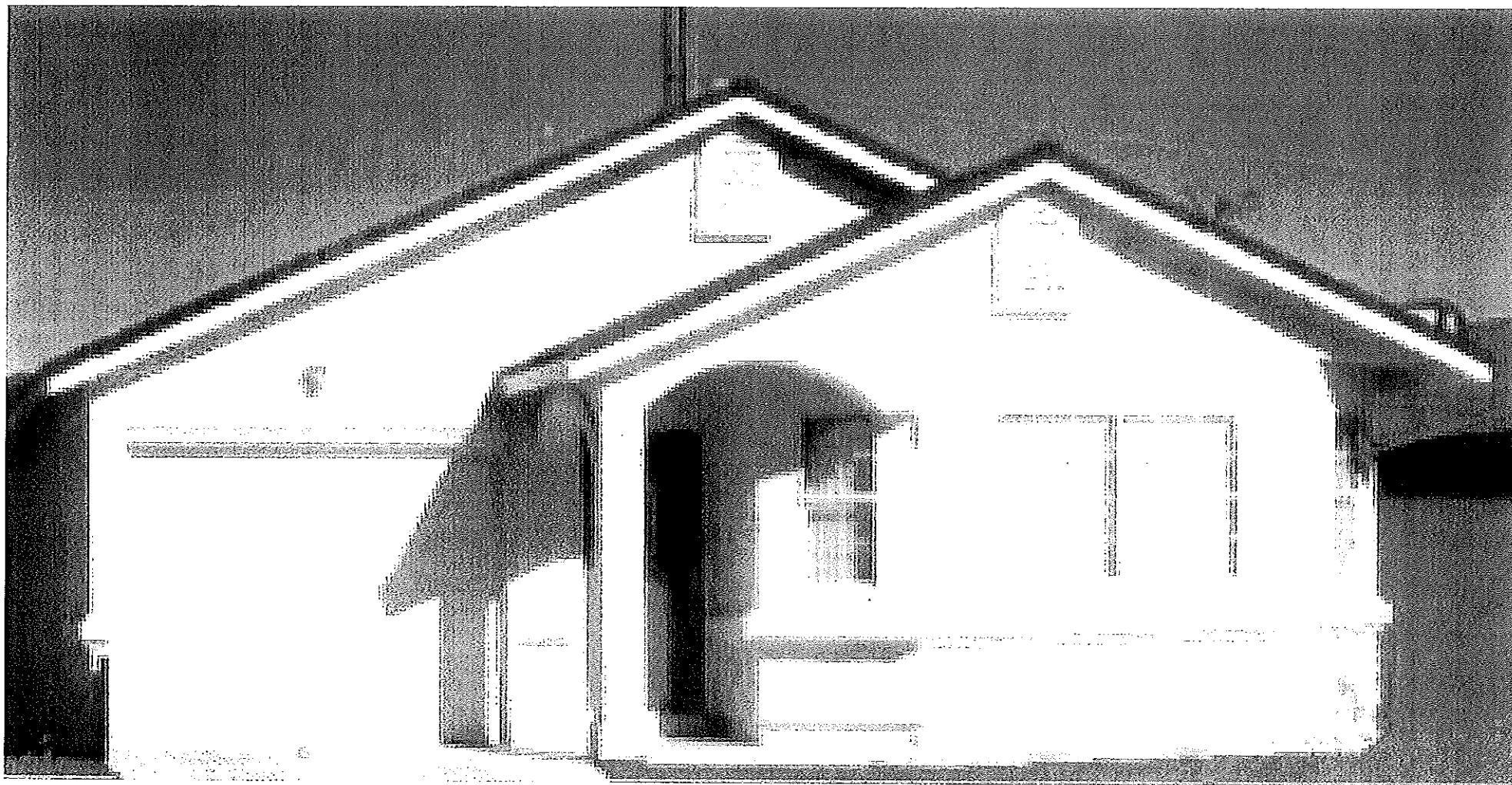
## Showed Plan



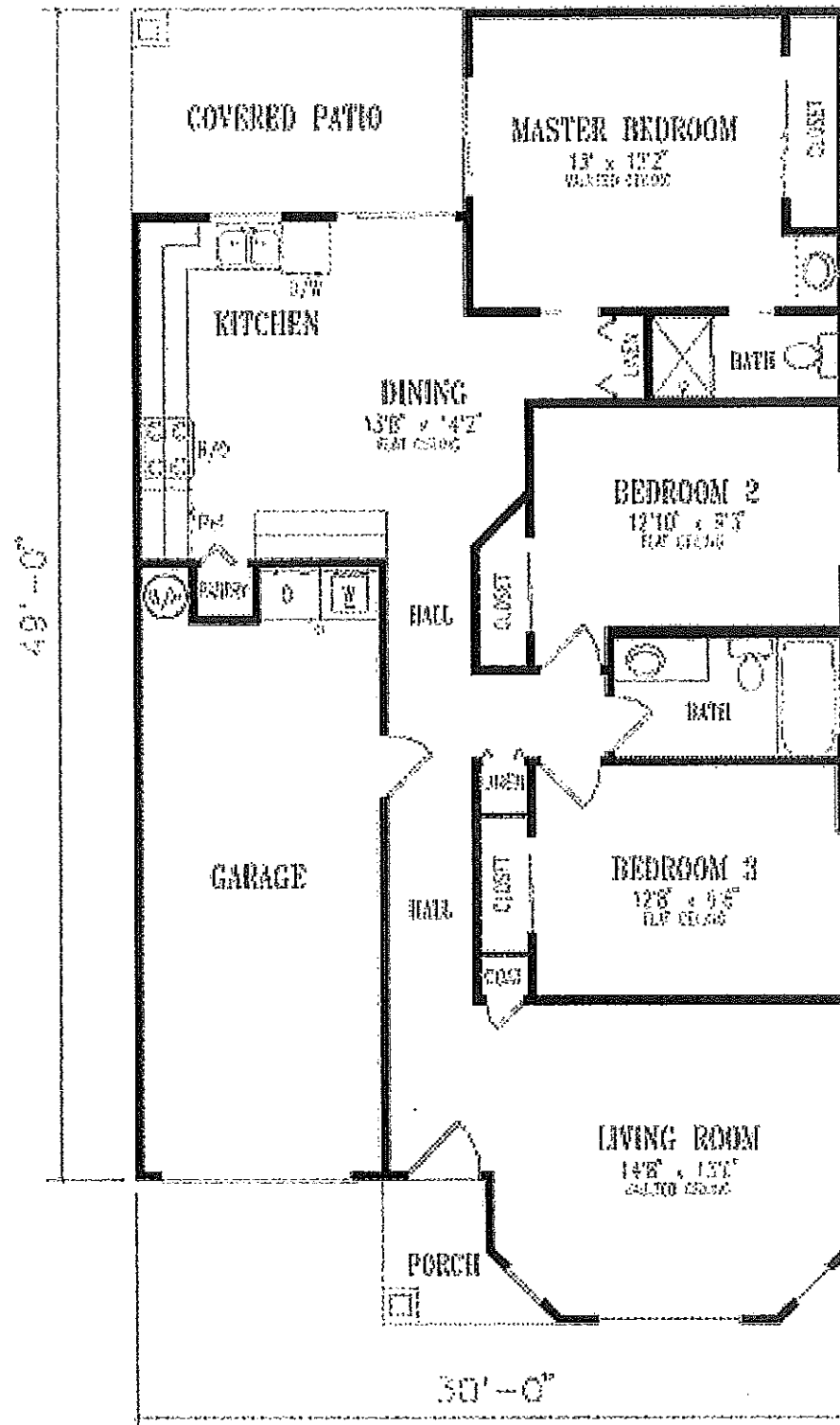
## Living Room



NATIONWIDE HOMES

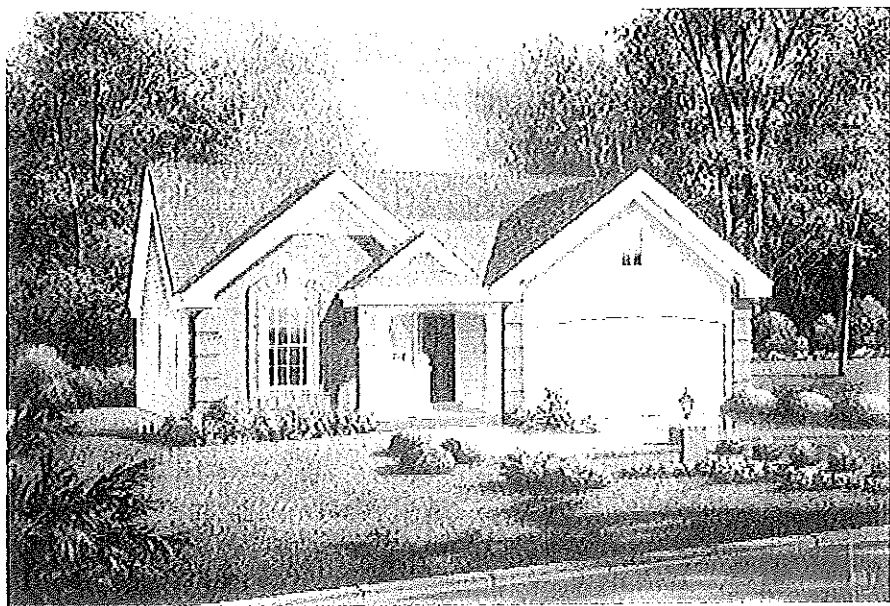


Lauderdale

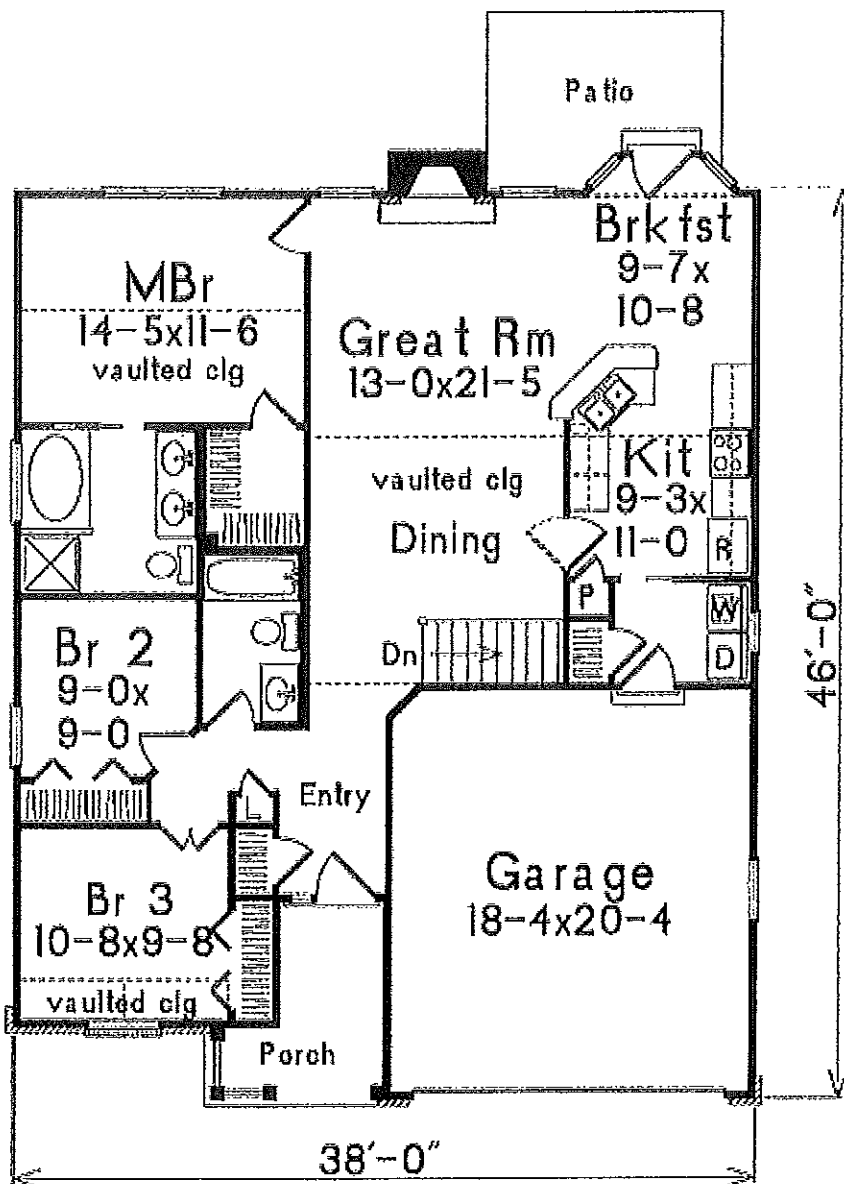


Luxtedale

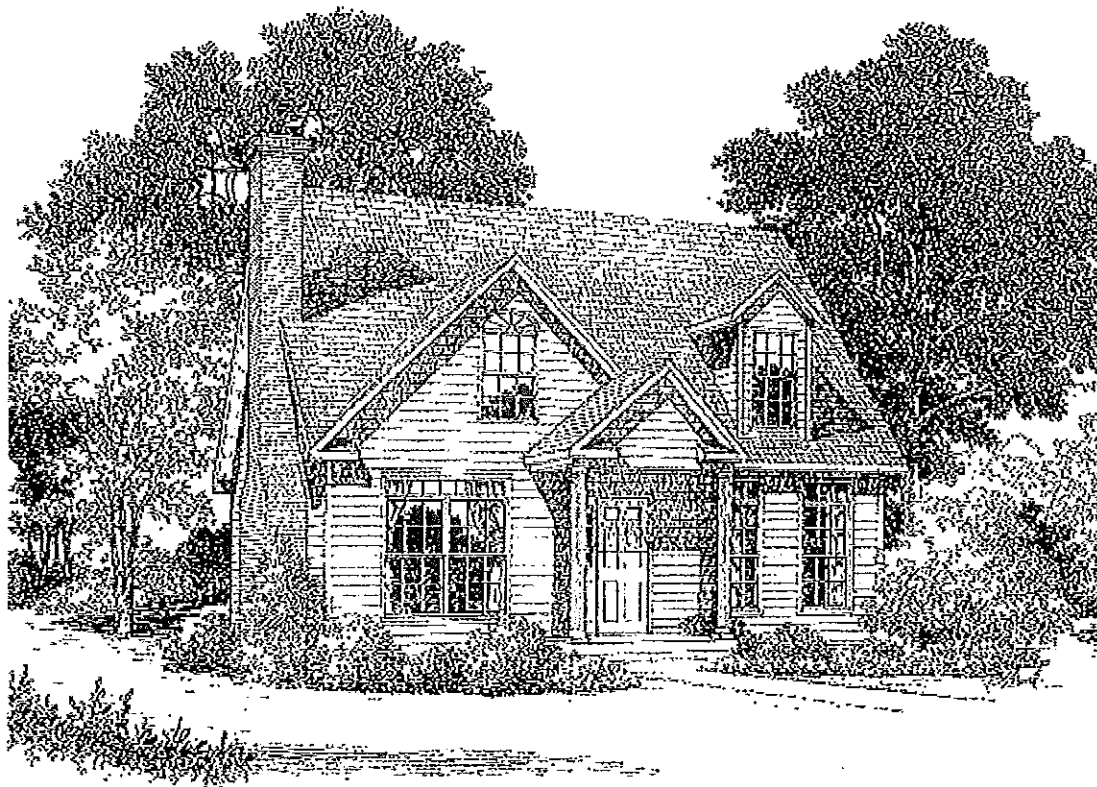




Franklin



Franklin



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## The Essex

The Essex exemplifies the village look with its quaint cottage style exterior and very fluid and functional floor plan. This home is a good fit for town or suburban settings.

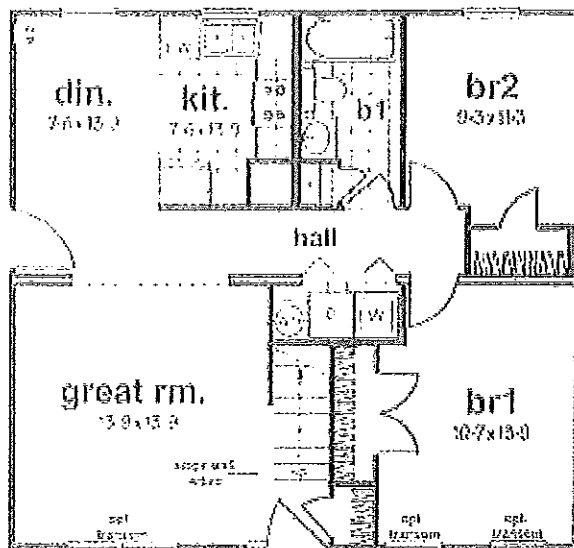
- 1,386 square feet
- 828 finished floor square feet
- Dimensional area 30-0 x 27-8
- Four bedrooms, two baths
- Alternate private master bedroom suite and powder room

THESE ARE ARTIST RENDERINGS FOR SALES PURPOSES ONLY.  
REFER TO WORKING DRAWINGS FOR ACTUAL DIMENSIONS.

The Village Collection

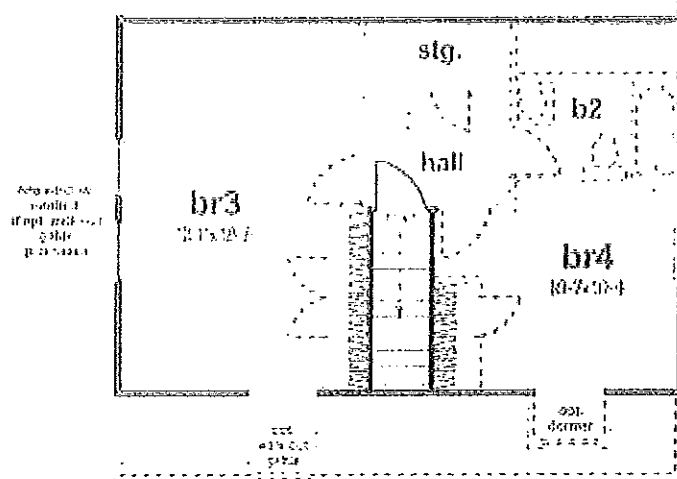


# The Village Collection



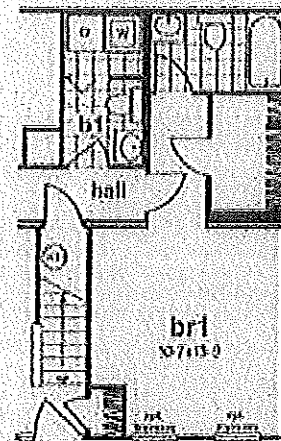
opt. porch FIRST LEVEL

## The ESSEX

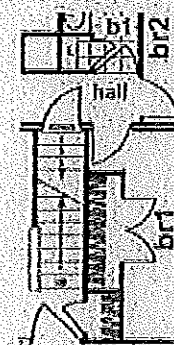


SECOND LEVEL

### Alternate Plans



Alt. #1  
Master Bedroom Suite



Opt.  
Basement Plan



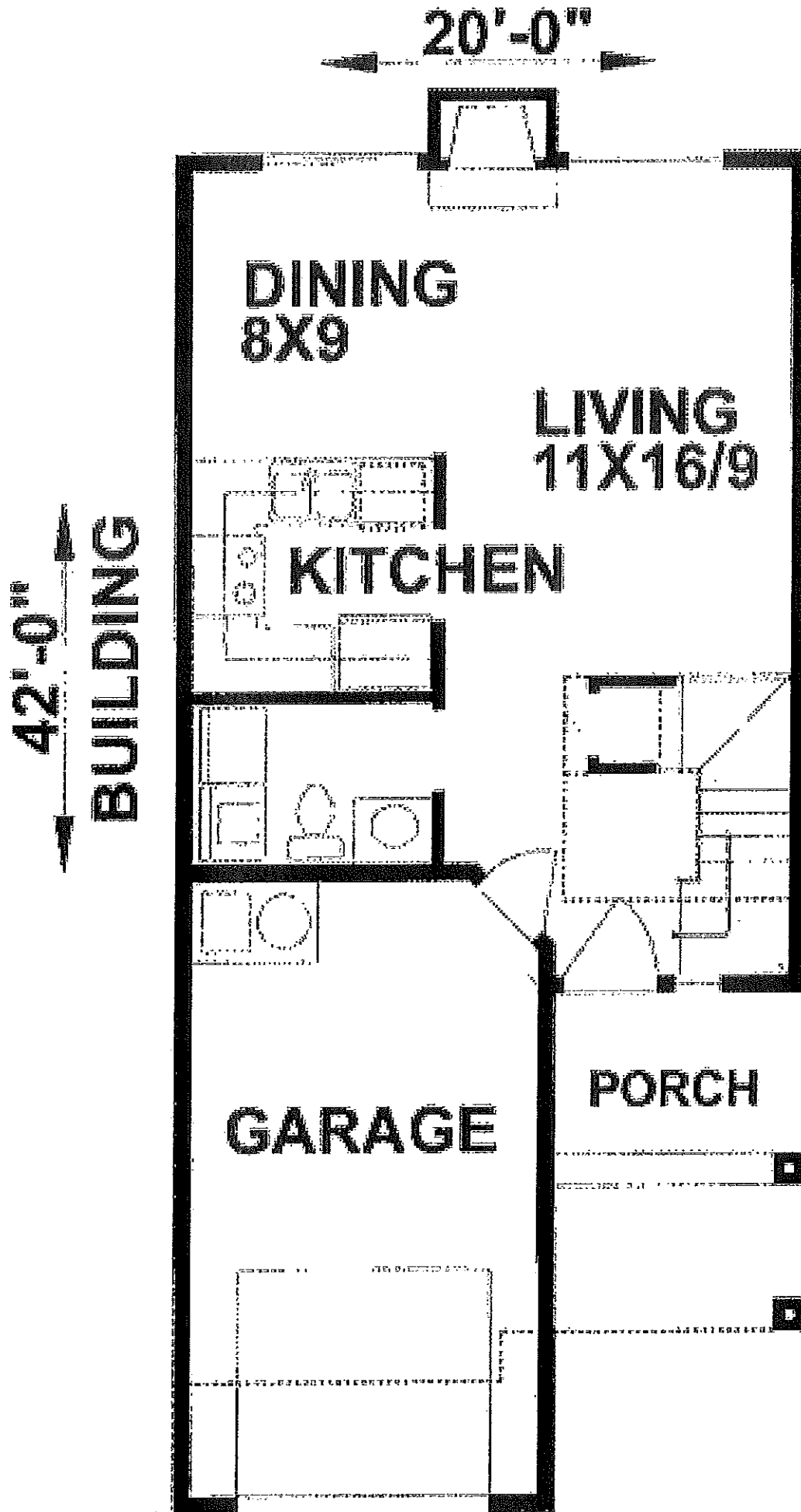
P.O. Box 5511  
1100 Rives Road  
Martinsville, VA 24115  
P: 276-632-7100  
F: 276-666-2537

[www.nationwidecustomhomes.com](http://www.nationwidecustomhomes.com)

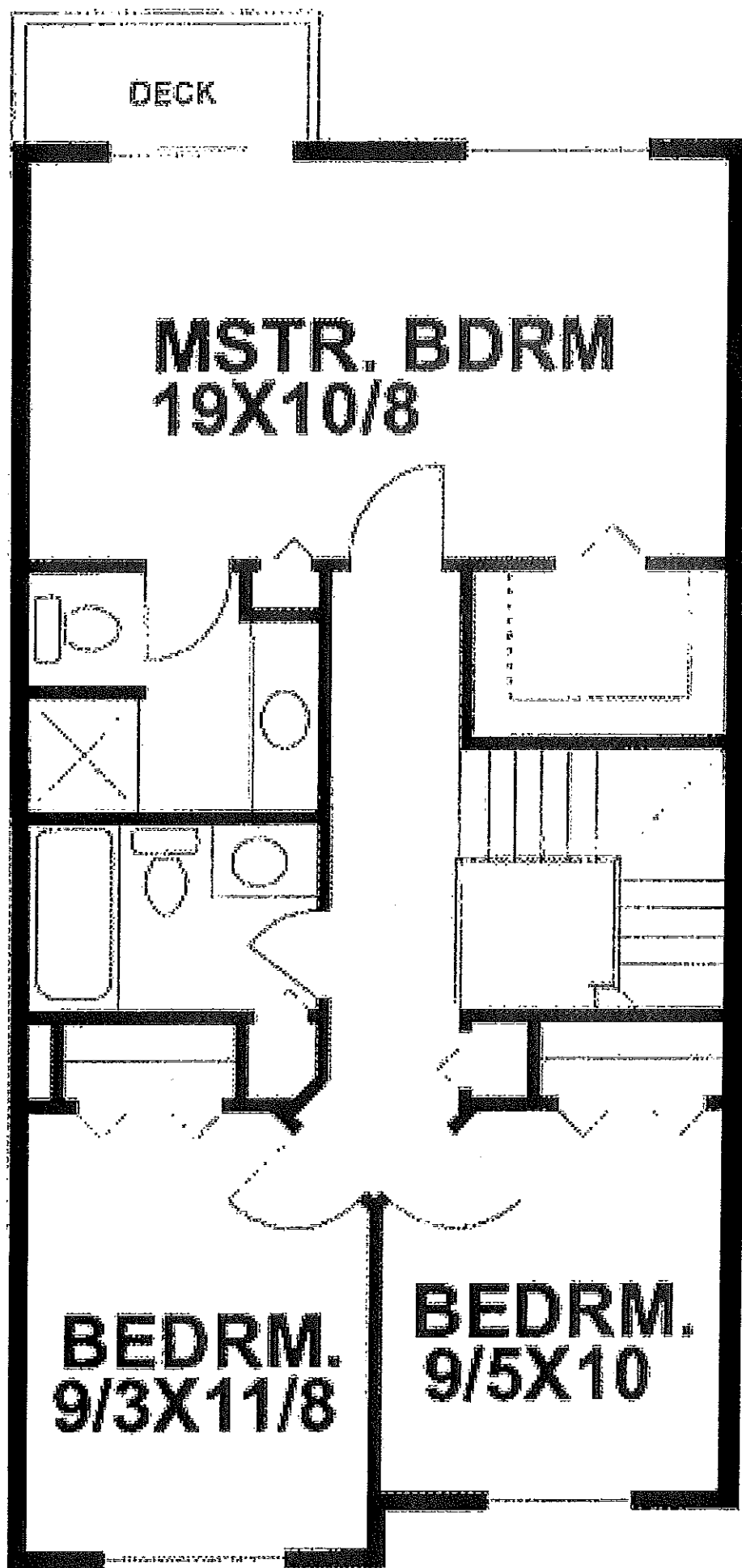
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All Rights Reserved



Laurel

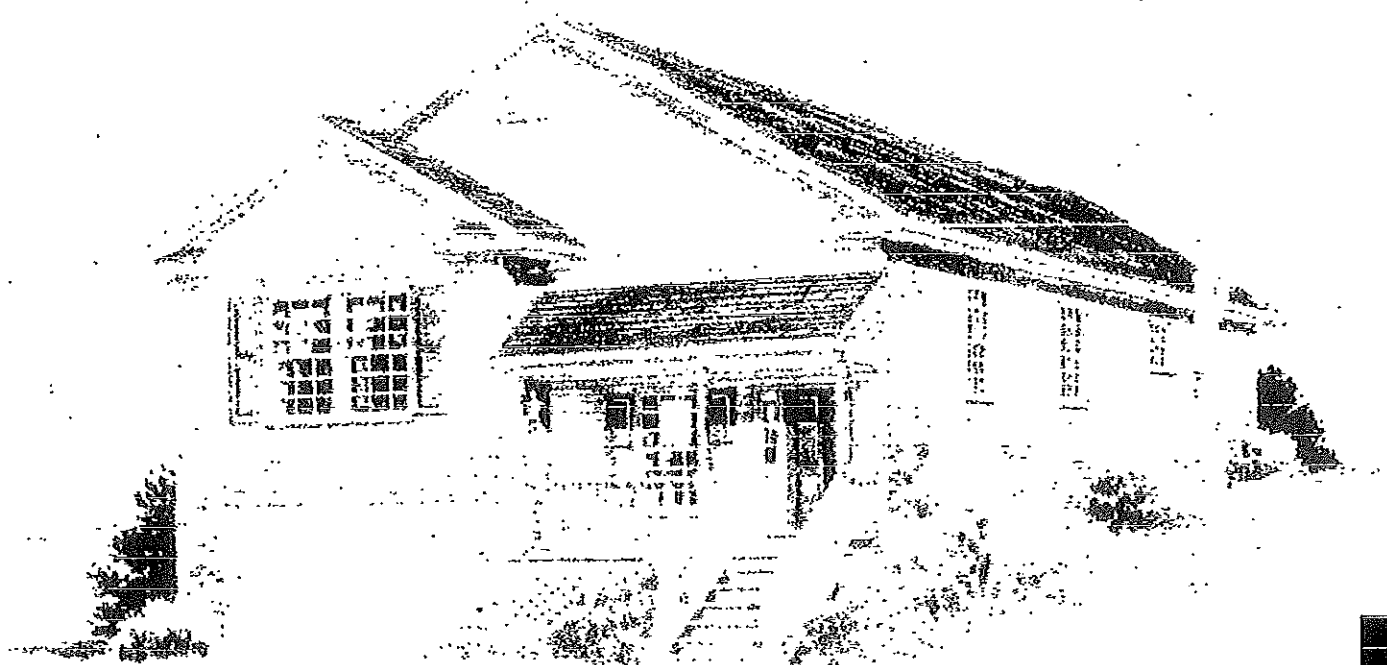


Laurel



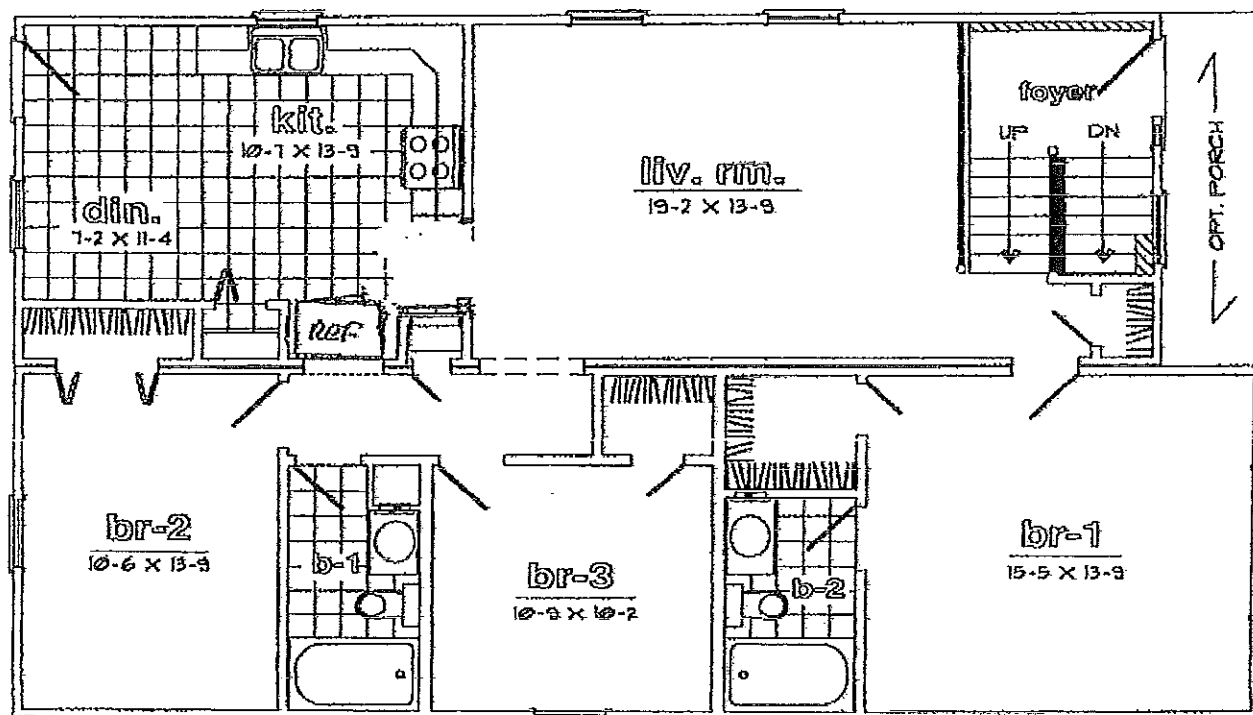
Laurel





# FREDERICK I

1265 SQ.FT. DIMENSIONAL AREA 27-8 X 48-0



Roberts & Roberts  
MS6-07



P.O. Box 5511 • 1100 Rives Road  
Martinsville, Virginia 24115  
Phone: (276) 632-7100  
Fax: (276) 632-1181

CHRYSLER FINANCIAL GROUP

August 8, 2007  
Adam Fletcher, City Planner  
City of Harrisonburg Department of Planning &  
Community Development  
409 S. Main St.  
Harrisonburg, VA 22801

SUBJECT: Letter of rationale for adding units to the Brookside Park Master Plan

Dear Mr. Fletcher:

I am requesting the addition of these new units for a couple of reasons. The first and foremost reason is, I am finding the plans I had chosen at the onset of this project are not fitting exactly the way I envisioned. These new plans fit the lots better and have more curb appeal.

Secondly, I have had requests from prospective clients to build a few houses similar to the ones I completed on 1001 and 1005 Jefferson Street, Harrisonburg, VA. I would like to be able to deliver the exact product to the client they are requesting.

I would also like to add, the new house plans being added are going to fit the general feel of the subdivision. We have not submitted plans which are inferior designs or in noncompliance with zoning.

I appreciate the Planning Commission and the Council's consideration regarding this matter.

Sincerely,

Zach Roberts

August 8, 2007

Adam Fletcher, City Planner

City of Harrisonburg Department of Planning &  
Community Development

409 S. Main St.

Harrisonburg, VA 22801

**SUBJECT: Rezoning of Tax Map #40-A-25 thru 30, 40-B-9 thru 19 & 40-B-28 thru 37 of the S. G. Good Subdivision Located between Jefferson Street and North Liberty Street, along Suter Street an Undeveloped Street.**

Dear Mr. Fletcher:

This letter is an outline for the rezoning of the above mentioned tax map lots from existing R-2 & R-2 Conditional to R-7, Medium Density Mixed Residential Planned Community (RPC). The area involved with this rezoning is 0.94 acre (TM #40-A-25 thru 30) and 6.17 acres (TM #40-B-9 thru 19 & 28 thru 37) for a Total of 7.11 acres. This proposed RPC will keep the existing Suter Street Right-of-Way and reconfigure the existing lots to allow for a streetscape neighborhood, as much as possible, by adding two cul-de-sacs. A park, 1.44 acres will be connected to the residential lots by a walking trail with a foot bridge and / or a low water crossing over Black's Run. The developer will be constructing the walking path to be maintained by the Homeowners Association. The developer has provided an easement to allow for future development of a bike / walking trail in conjunction with the Blacks Run Greenway Master Plan and will work with "The Friends of Black's Run" in this endeavor.

This RPC will consist of three lot configurations of affordable housing; Courtyard Homes, Single Family Residential and Duplex. The following are the lot configurations and housing types:

1) Courtyard Homes, 6 Total (17.1% of Total):

a. Lot dimensions (minimum);

i. Width = 40 ft.

ii. Depth = 130 ft.

iii. Area = 5,200 sq. ft.

b. Setbacks;

i. Front = 20'

ii. Side = 0 ft. on one side and 10' on the other side.

iii. Back = 20 ft.

c. House Types: (#) - denotes garage variation;

i. Springfield - is a one-story 50' x 27'-8", 1,182 sq. ft. home that will have a two car detached garage connected by a breeze way. See attached foot print and data sheet.

ii. Kent - is a one-story 42' x 24', 1,008 sq. ft. home that will have a two car detached garage connected by a breeze way. See attached foot print and data sheet.

iii. Waterberry - is a two story Cape Cod style home 34' x 27'-8", a 1,571 sq. ft. that will have a two car detached garage connected by a breeze way. See attached foot print and data sheet.

iv. Essex - is a two story Cape Cod style home 30' x 27'-8", a 1,386 sq. ft. that will have a two car detached garage. It is a modified Waterberry. See attached foot print and data sheet.

2) Single Family Residential, 15 Total (42.9% of Total):

a. Lot dimensions (minimum); Width = 45 ft. @ Setback.

i. Depth = 70 ft., except cul-de-sac lots, where they can reduce the Depth but must maintain an average depth of 65' and minimum lot area of 5,500 sq. ft.

ii. Area = 4,150 sq. ft.

b. Setbacks;

i. Front = 20 ft

ii. Side = 5 ft.

iii. Back = 20 ft.

c. House Types: (#) - denotes garage variation;

i. Springfield - is a one-story 50' x 27'-8", 1,182 sq. ft. home that will have a two car attached garage. See attached foot print and data sheet.

ii. Chatham - is a two-story 30' x 24', 1,392 sq. ft. home that will have both one car & two car garages. See attached foot print and data sheet.

iii. Hampstead - is a two story 36' x 24', 1,728 sq. ft. that will have a one car. See attached foot print and data sheet.

iv. Kent - is a one-story 42' x 24', 1,008 sq. ft. home that will have a one car attached garage. See attached foot print and data sheet.

v. Surry - is a one-story 44' x 27'-8", 1,215 sq. ft. home that will have a one car attached garage. See attached foot print and data sheet.

vi. Lauderdale - is a one story 30' x 49', 1270 sq. ft. home that will have a one car attached garage. See attached foot print.

vii. Franklin - is a one story 38' x 46', 1268 sq. ft. home that will have a two car attached garage. See attached foot print.

viii. Frederick - is a two story 27'8" x 48', 1265 sq. ft. home that will have a partially unfinished downstairs and an attached single car garage. See attached foot print.

x. Essex - is a two story Cape Cod style home 30' x 27'-8", a 1,386 sq. ft. that will have a two car detached garage. It is a modified Waterberry. See attached foot print and data sheet.

3) Duplex Lots, Total 14 Units (40% of Total):

a. Lot dimensions (minimum);

i. Width = 25 ft. @ Setback.

ii. Depth = 90 ft.

iii. Area = 3,000 sq. ft.

b. Setbacks;

i. Front = 20 ft. on Class A Streets, 25 ft. on All Others.

ii. Side = 10 ft.

iii. Back = 20 ft.

c. House Types: (#) - denotes garage variation;

i. Springfield - is a one-story 50' x 27'-8", 1,182 sq. ft. home that will have a one car attached garage for each unit. See attached foot print and data sheet.

ii. 2832 - is a one-story 27'-8" x 32', 829 sq. ft. home that will have one car garage. See attached foot print and data sheet.

iii. 1837/38 - is a three-story 18' x 37.5'36' x 24', 1,317 sq. ft. that will have a one car. See attached foot print and data sheet.

iv. 1635/37 - is a three-story 16' x 37.5'36' x 24', 1,171 sq. ft. that will have a one car garage. See attached foot print and data sheet.

v. Laurel - is a two story 20' x 42', 1150 sq. ft. that will have a one car attached garage. See attached foot

print.

Note: Garages are not shown on data sheets but the manufacturer can modify these plans to accommodate for any reason. List of Proffers for each unit:

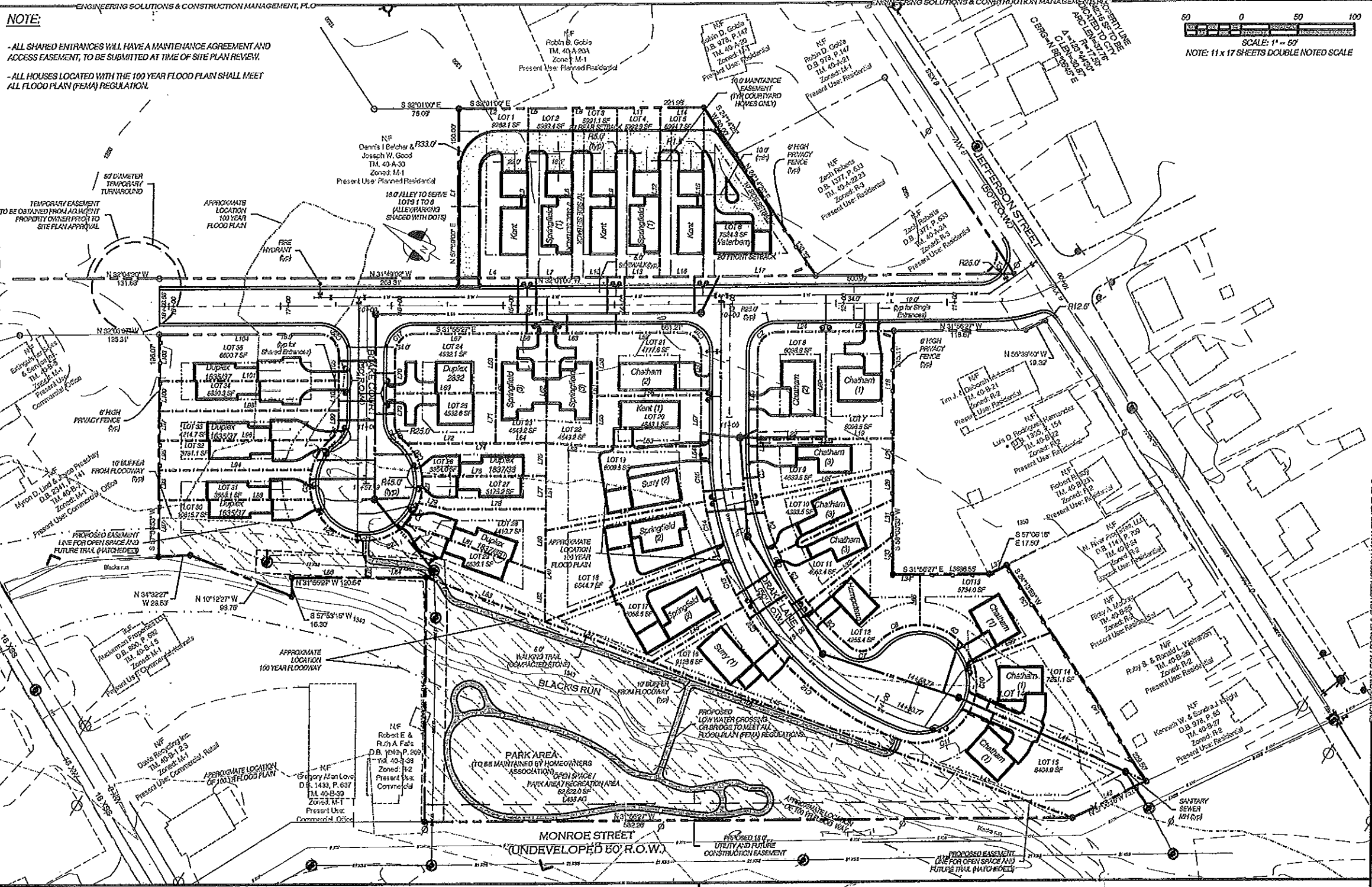
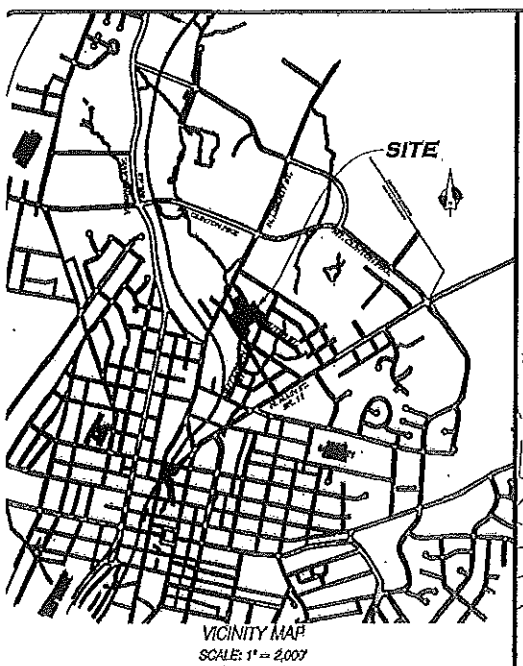
- 1.) A tree of 2" or greater caliber in yard.
- 2.) Landscaping for each unit.
- 3.) Upgraded light poles.
- 4.) Front of unit to have masonry accents.
- 5.) Exposed block foundation covered with masonry product.
- 6.) Asphalt or concrete driveway.
- 7.) Sidewalk to be concrete from driveway to front door.
- 8.) Patio homes will have concrete sidewalk from front door / porch to sidewalk at Suter Street.

The portion of the site is located within the 100 year flood plain of Black's Run and will be altered by the construction of the roadways to meet City of Harrisonburg's Design Standards. The developer will perform any necessary flood study and permitting as required by the federal, state and local government.

A preliminary landscaping plan has been included with the Master Plan for review, as the developer wishes to make this area an example that the City can use for future developments of this nature.

Sincerely,

R. Scott Sellers



**OWNER/DEVELOPER**  
FERGUSON INVESTMENTS  
1010 NORTH MAIN STREET  
HARRISONBURG, VA 22802  
CONTACT: TIM FERGUSON  
PHONE: 540.578.2463

**PLANNING PROVIDED BY:**  
ENGINEERING SOLUTIONS & CONSTRUCTION MANAGEMENT, PLLC  
CONTACT: SCOTT SELLERS  
PHONE: 540.442.8787

**TOPOGRAPHIC SURVEY PROVIDED BY:**  
CITY OF HARRISONBURG 1996 MAPS  
BOUNDARY SURVEY BY:  
SIMMONS SURVEYING, P.C.  
165 SOUTH MAIN STREET SUITE C  
HARRISONBURG, VIRGINIA 22801  
PHONE: 540.432.0420

**SITE FACTS**  
PARCEL: LOTS 9-19, LOTS 25-30 AND LOTS 28-37 OF S.G. GOOD SUBDIVISION  
AREA: LOTS 9-19 & LOTS 28-37 = 6.17 ACRES  
LOTS 25-30 = 0.94 ACRES  
TOTAL = 7.11

TAX MAP #: 40-A-15-30, 40-B-4-19 & 40-B-28-37  
PRESENTLY ZONED: R-2 & R-2 CONDITIONAL  
PROPOSED REZONING TO: R-2  
PRESENT USE: VACANT

COMMUNITY DEVELOPMENT: APPROXIMATELY 1.44 ACRES OF OPEN SPACES WILL BE DEDICATED AS A PARK AND ACCESSIBLE BY A WALKING TRAIL FROM THE OUT-DESK STREETS AS WELL AS FUTURE CONNECTING TO THE BLACKS RUN WALKING TRAIL THAT IS PROPOSED ALONG BLACKS RUN THROUGH HARRISONBURG. THE DEVELOPER IS WORKING WITH THE FRIENDS OF BLACKS RUN TO ACHIEVE THIS GOAL.

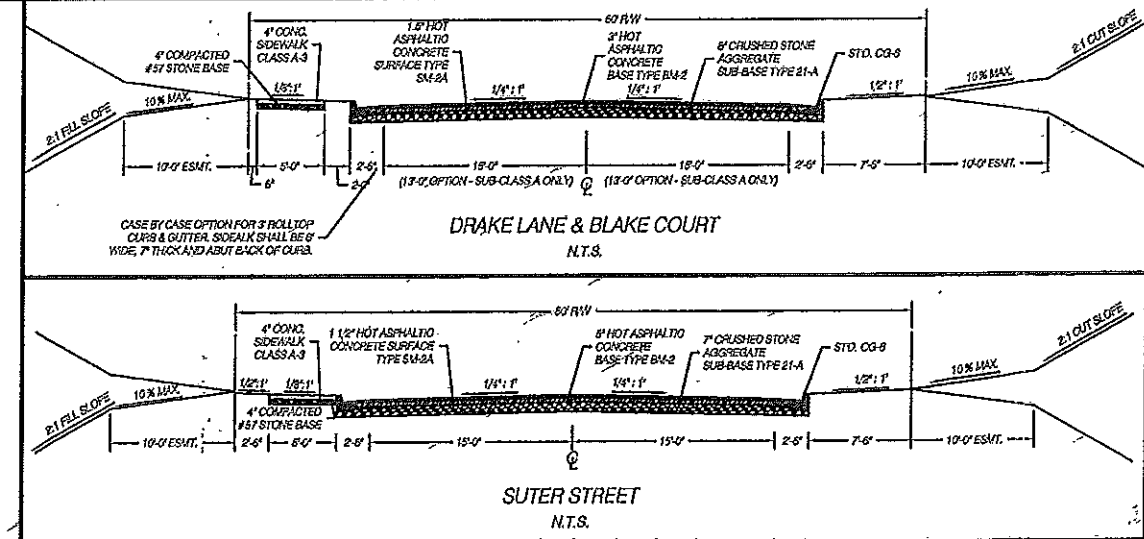
**PROPOSED USES:**  
1) 6 COURTYARD HOMES (17.1% OF ALL RESIDENTIAL):  
SETBACKS: FRONT-20'  
SIDES-0' & 10'  
BACK-20'  
LOT DIMENSIONS (MINIMUM):  
WIDTH-40'  
DEPTH-130'  
AREA-5,200 SF

2) 15 SINGLE FAMILY RESIDENCE (42.9% OF ALL RESIDENTIAL):  
SETBACKS: FRONT-20'  
SIDES-5'  
REAR-20'  
LOT DIMENSIONS (MINIMUM):  
WIDTH-45' @ SETBACK  
DEPTH-70', EXCEPT CUL-DE-SAC LOTS MUST HAVE AN AVERAGE DEPTH OF 65' AND MINIMUM LOT AREA OF 5,500 SF  
AREA-4,150 SF

3) 7 DUPLEXES - TOTAL OF 14 UNITS (40% OF ALL RESIDENTIAL):  
SETBACKS: FRONT-25'  
SIDES-10'  
REAR-20'  
LOT DIMENSIONS (MINIMUM):  
WIDTH-35' @ SETBACK LINE  
DEPTH-90'  
AREA-3,000 SF

**PARKING**  
USE AND PARKING PROVIDED:  
SINGLE FAMILY RESIDENCE - ONE PER LOT  
DUPLEX - TWO SPACES PER UNIT.

**OPEN SPACE**  
PARK AREA WITH TRAIL: 1.44 ACRES - 20.3%  
ALL OPEN SPACES WILL BE MAINTAINED BY A HOME OWNERS ASSOCIATION.



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1	N 11° 00' 00" E	10.00	11	N 11° 00' 00" E	10.00	21	N 11° 00' 00" E	10.00	31	N 11° 00' 00" E	10.00
2	S 89° 00' 00" W	10.00	12	S 89° 00' 00" W	10.00	22	S 89° 00' 00" W	10.00	32	S 89° 00' 00" W	10.00
3	N 11° 00' 00" E	10.00	13	N 11° 00' 00" E	10.00	23	N 11° 00' 00" E	10.00	33	N 11° 00' 00" E	10.00
4	S 89° 00' 00" W	10.00	14	S 89° 00' 00" W	10.00	24	S 89° 00' 00" W	10.00	34	S 89° 00' 00" W	10.00
5	N 11° 00' 00" E	10.00	15	N 11° 00' 00" E	10.00	25	N 11° 00' 00" E	10.00	35	N 11° 00' 00" E	10.00
6	S 89° 00' 00" W	10.00	16	S 89° 00' 00" W	10.00	26	S 89° 00' 00" W	10.00	36	S 89° 00' 00" W	10.00
7	N 11° 00' 00" E	10.00	17	N 11° 00' 00" E	10.00	27	N 11° 00' 00" E	10.00	37	N 11° 00' 00" E	10.00
8	S 89° 00' 00" W	10.00	18	S 89° 00' 00" W	10.00	28	S 89° 00' 00" W	10.00	38	S 89° 00' 00" W	10.00
9	N 11° 00' 00" E	10.00	19	N 11° 00' 00" E	10.00	29	N 11° 00' 00" E	10.00	39	N 11° 00' 00" E	10.00
10	S 89° 00' 00" W	10.00	20	S 89° 00' 00" W	10.00	30	S 89° 00' 00" W	10.00	40	S 89° 00' 00" W	10.00

**ENGINEERING SOLUTIONS & CONSTRUCTION MANAGEMENT, PLLC**

1010 NORTH MAIN STREET  
HARRISONBURG, VIRGINIA 22802  
PHONE: 540.442.8787  
FAX: 540.442.9090  
DESIGNING FOR TOMORROW, TODAY

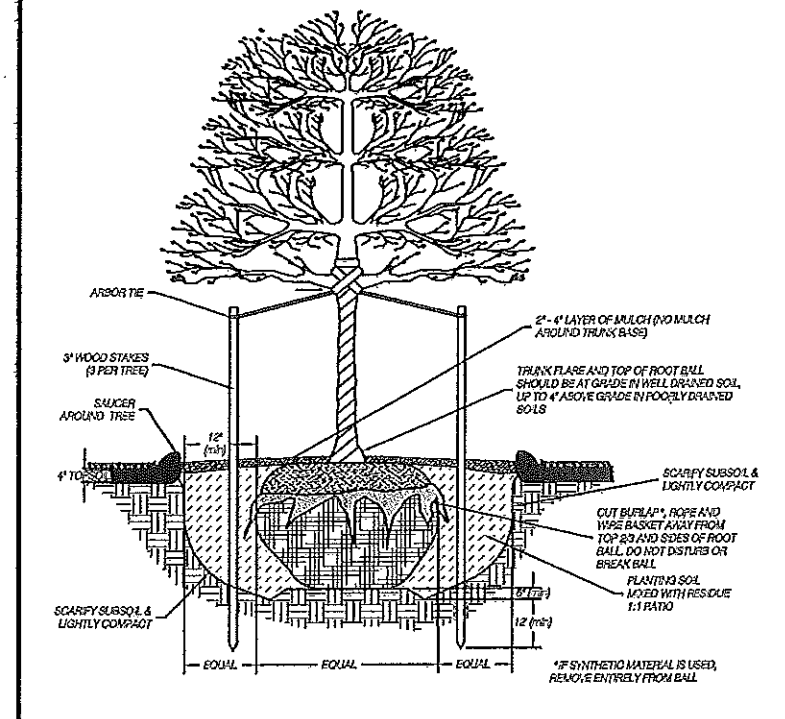
**CONCEPTUAL LAYOUT #2**

**S. G. GOOD SUBDIVISION**  
SUTER STREET  
HARRISONBURG, VIRGINIA 22801

PROJECT NUMBER: 05-2023-1  
DATE: 03/23/09  
SCALE: 1" = 60'  
DRAWN BY: JSB  
CHECK BY:

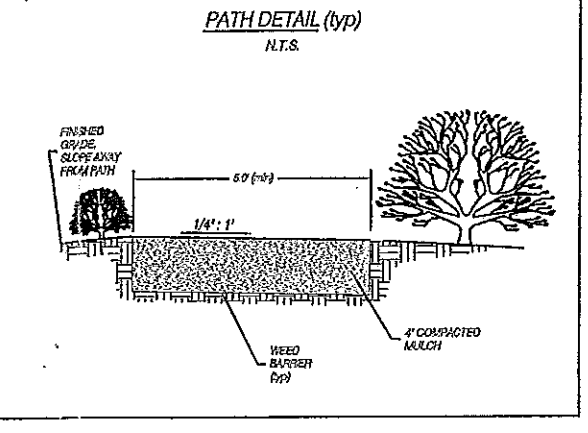
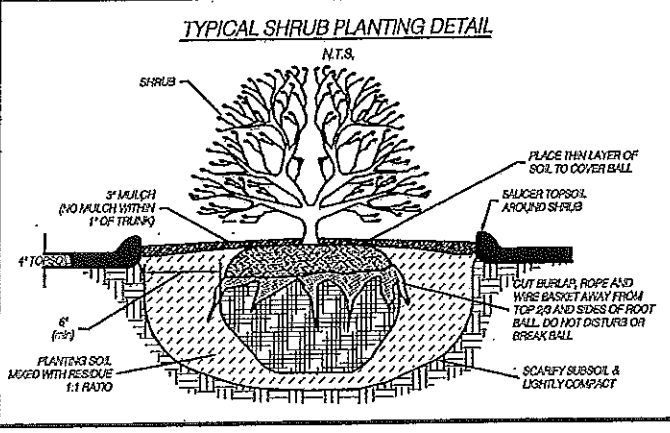
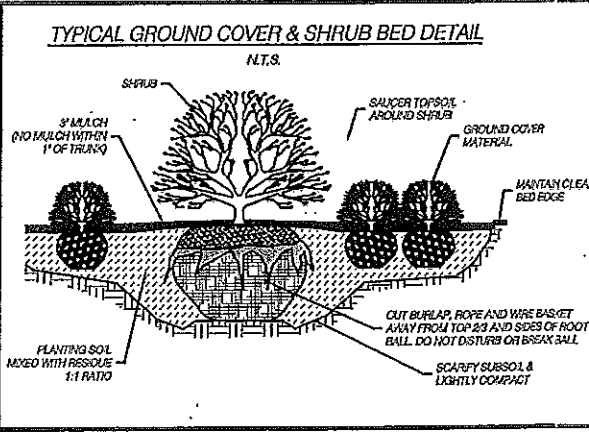
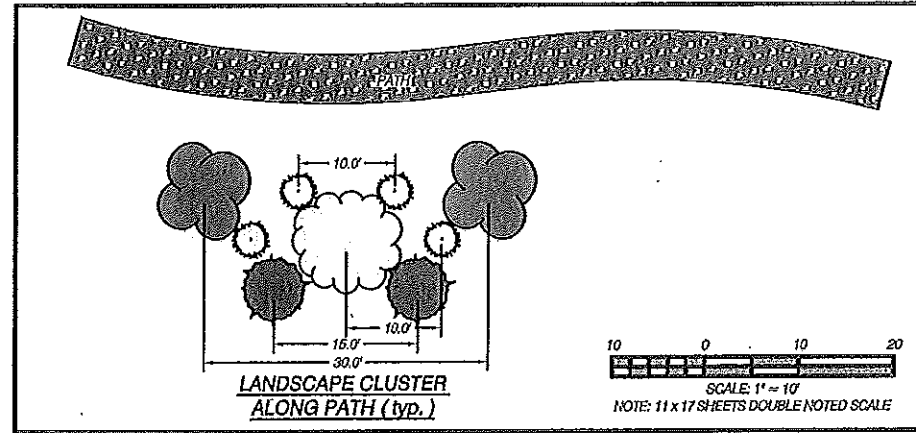
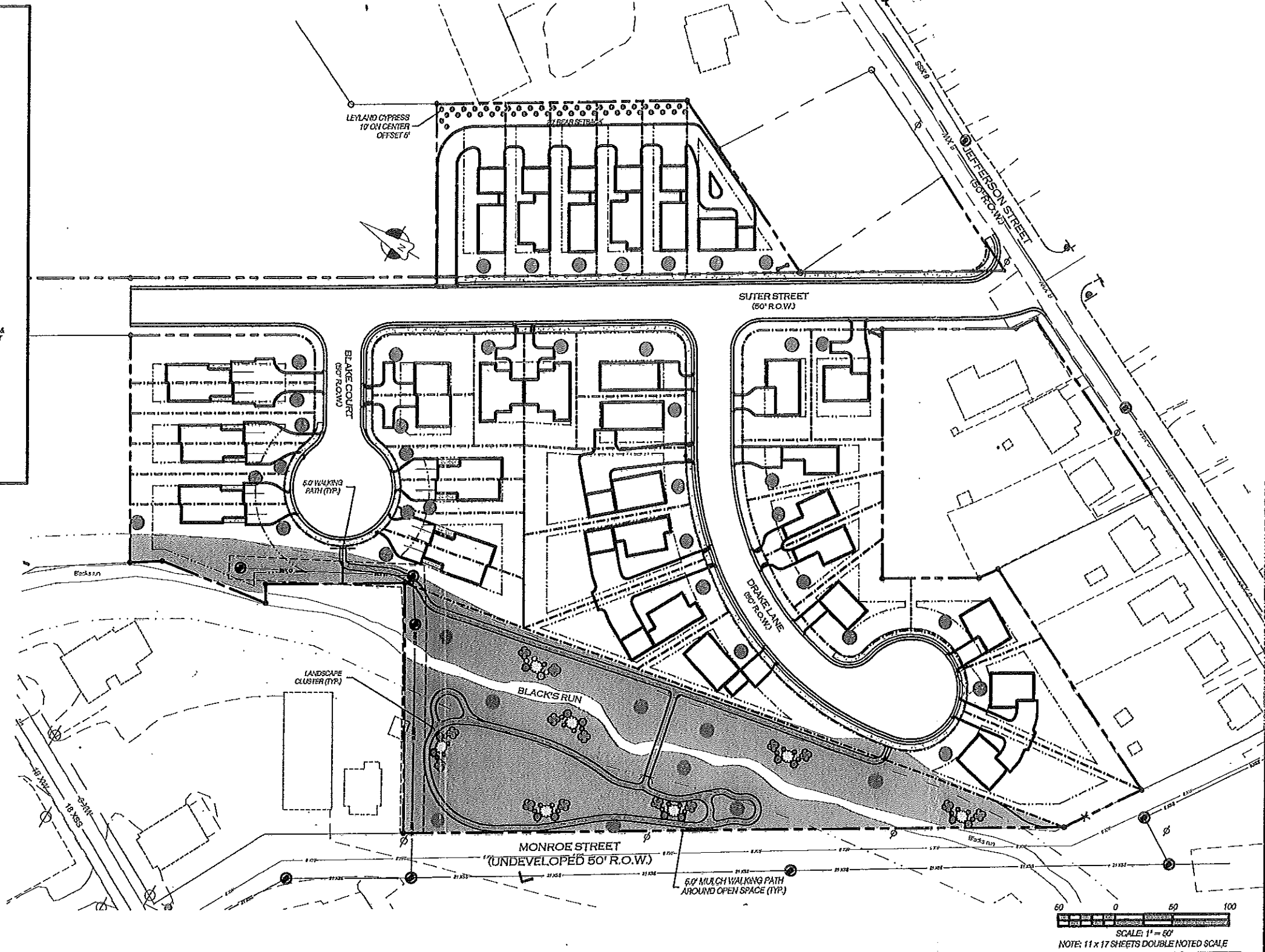
**P1.0**  
of  
**2**

TYPICAL TREE PLANTING DETAIL  
N.T.S.



SYMBOL	QUANTITY	COMMON NAME LATIN NAME	SIZE	REMARKS
	2 PER CLUSTER	EASTERN REDBUD <i>Cercis canadensis</i>	1 1/2" CAL.	B & B MULCH INDIVIDUALLY, 2 STAKES
	1 PER CLUSTER	COMMON WHITE DOGWOOD <i>Cornus florida</i>	1 1/2" CAL.	B & B MULCH INDIVIDUALLY, 2 STAKES
	2 PER CLUSTER	LEYLAND CYPRESS <i>X. cymosa</i>	6 - 8' HEIGHT	B & B OR 5 GAL. CONTAINER MULCH INDIVIDUALLY, 2 STAKES
	4 PER CLUSTER	GOLDEN CYPRESS <i>Chamaecyparis obtusa</i>	18 - 24' HEIGHT	3 GAL. CONTAINER MULCH INDIVIDUALLY
	2 TOTAL	RED MAPLE <i>Acer rubrum</i>	2 1/2" CAL.	B & B MULCH INDIVIDUALLY, 3 STAKES
	2 TOTAL	NORTHERN RED OAK <i>Quercus rubra</i>	2 1/2" CAL.	B & B MULCH INDIVIDUALLY, 3 STAKES

\*NOTE: (B) TOTAL CLUSTERS PROPOSED



ENGINEERING SOLUTIONS & CONSTRUCTION MANAGEMENT, P.L.C.  
1010 NORTH MAIN STREET  
HARRISONBURG, VIRGINIA 22802  
PHONE 540.442.5757  
FAX 540.442.9090  
DESIGNING FOR TOMORROW

LANDSCAPE PLAN

S. G. GOOD SUBDIVISION  
SUTER STREET  
HARRISONBURG, VIRGINIA 22801

1	020703	Issued Layout as per Client Request	Revision/Date	Drawn/Checked By

P2.0  
of  
2





# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT September 14, 2011

Similar to last month's ordinance amendments, where staff proposed modifying the Zoning Ordinance because of increased application costs approved during the 2011-2012 budget process, staff is now proposing to modify the Subdivision Ordinance to correspondingly reflect increased subdivision application fees. The two amendments are proposed below.

### SUBDIVISION ORDINANCE AMENDMENTS Sections 10-2-23 (15) and 10-2-25 (b) 14)

Section 10-2-23 (15) specifies the fees associated with applying for preliminary plats and any associated variances to the subdivision ordinance. The City's approved budget increased the base fee for preliminary plats by just over 15 percent from \$150.00 to \$175.00 and increased variance request base fees by just under 15 percent from \$175.00 to \$200.00. The per-lot cost for both types of requests was increased 100 percent from \$10.00 per lot to \$20.00 per lot.

Section 10-2-23 (15) should be amended as shown below.

(15) The fee for filing a preliminary plat without a variance shall be ~~one hundred fifty dollars (\$150.00) plus ten dollars (\$10.00)~~ one hundred seventy-five dollars (\$175.00) plus twenty dollars (\$20.00) per lot, or if filing a preliminary plat with a variance the fee shall be ~~one hundred seventy-five dollars (\$175.00) plus ten dollars (\$10.00)~~ two hundred dollars (\$200.00) plus twenty dollars (\$20.00) per lot, made payable to the city. The fee shall be paid upon the filing of the plat with the city.

In addition, if the preliminary plat requires a traffic impact analysis (TIA) review by the Virginia Department of Transportation (VDOT), then all additional fees for that review shall be made payable to the Virginia Department of Transportation. If the preliminary plat requires a ~~traffic impact analysis~~ TIA review, only by the city, then one thousand dollars (\$1,000.00) shall be made payable to the city. The preliminary plat application shall not be considered accepted until the TIA has been reviewed.

### SUBDIVISION ORDINANCE AMENDMENTS Section 10-2-25 (b) 14)

Section 10-2-25 (b) (14) indicates the review costs associated with submitting a final plat. Unlike the preliminary plat fee increase, which was approved by the latest budget process, the final plat fees were not recently increased. Nonetheless, this City Code section should be modified to reflect the current fees as this section has not been updated since prior to 1993.

The above described preliminary plat fee increases are now consistent with the existing final plat fees, which are \$150.00 plus \$20.00 per lot. The final plat fees, which are also the minor subdivision plat fees, were approved during the 2007-2008 budget process, where the only change that occurred was an additional \$50.00 on the base fee.

Along with the changes as described, Section 10-2-25 (b) (14) should be relocated and designated more appropriately within this part of the City Code. Rather than being specified as (b) (14), this language should be referenced as subsection (d) within Section 10-2-25.

Section 10-2-25 (b) (14) should be amended as shown

~~(14) The fee for filing a final plat shall be fifty dollars (\$50.00) plus ten dollars (\$10.00) per lot, which fee shall be payable to the City of Harrisonburg. The fee shall be paid upon the filing of the plat with the city. On January, 1993, the above referenced fees shall double.~~

(d) The fee for filing a final plat shall be one hundred fifty dollars (\$150.00) plus twenty dollars (\$20.00) per lot, made payable to the City. The fee shall be paid upon the filing of the plat with the City.

# Draft

## ORDINANCE AMENDING AND RE-ENACTING SECTION

10-2-23

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

### **Be it ordained by the Council of the City of Harrisonburg, Virginia:**

**That Section 10-2-23 be amended as follows:**

**Section 10-2-23. Preliminary Plat—Requirements and Contents.**

**Amend subsection (15) as shown:**

(15) The fee for filing a preliminary plat without a variance shall be ~~one hundred fifty dollars (\$150.00) plus ten dollars (\$10.00)~~ one hundred seventy-five dollars (\$175.00) plus twenty dollars (\$20.00) per lot, or if filing a preliminary plat with a variance the fee shall be ~~one hundred seventy-five dollars (\$175.00) plus ten dollars (\$10.00)~~ two hundred dollars (\$200.00) plus twenty dollars (\$20.00) per lot, made payable to the city. The fee shall be paid upon the filing of the plat with the city.

In addition, if the preliminary plat requires a traffic impact analysis (TIA) review by the Virginia Department of Transportation (VDOT), then all additional fees for that review shall be made payable to the Virginia Department of Transportation. If the preliminary plat requires a traffic impact analysis TIA review, only by the city, then one thousand dollars (\$1,000.00) shall be made payable to the city. The preliminary plat application shall not be considered accepted until the TIA has been reviewed.

The remainder of Section 10-2-23 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

---

**MAYOR**

# Draft

ATTESTE:

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CLERK OF THE COUNCIL

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-2-25

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

That Section 10-2-25 be amended as follows:

**Section 10-2-25. Final Plat—Requirements and Contents.**

**Amend subsection (b) (14) as shown and relocate and designate the referenced language as subsection (d):**

~~(14) The fee for filing a final plat shall be fifty dollars (\$50.00) plus ten dollars (\$10.00) per lot, which fee shall be payable to the City of Harrisonburg. The fee shall be paid upon the filing of the plat with the city. On January, 1993, the above referenced fees shall double;~~

(d) The fee for filing a final plat shall be one hundred fifty dollars (\$150.00) plus twenty dollars (\$20.00) per lot, made payable to the City. The fee shall be paid upon the filing of the plat with the City.

The remainder of Section 10-2-25 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

---

**MAYOR**

ATTESTE:

# Draft

---

CLERK OF THE COUNCIL



## August 2011 Proactive-Zoning Report

For the month of August 2011 the proactive-zoning program targeted the **500-600 S. Main** section of the city. During the proactive inspections a total of **sixteen violations** were found. This was a increase in the number of violations from the first 3-year cycle and a decrease from the second 3-year cycles as noted in the chart below. The violations consisted of inoperable vehicles and discarded materials.

MONTH	SECTOR	VIOLATIONS	CORRECTED	1 <sup>st</sup> CYCLE	2 <sup>nd</sup> CYCLE
December 2008	Wyndham Woods	4	4	2	0
January 2009	Northfield	19	19	21	6
February 2009	Purcell Park	5	5	7	6
March 2009	Parkview	16	16	19	7
April 2009	Northeast	63	63	80	45
May 2009	Ind./Tech Park	0	0	0	1
June 2009	Exit 243	1	1	10	0
July 2009	Fairway Hills	0	0	1	0
August 2009	Smithland Rd.	0	0	0	4
September 2009	N. Main St.	4	4	13	4
October 2009	Liberty St.	18	18	6	4
November 2009	Westover	17	17	18	8
December 2009	Garber's Church	1	1	1	2
January 2010	Spotswood Acres	1	1	6	4
February 2010	Jefferson St.	35	35	26	22
March 2010	Forest Hills/JMU	1	1	6	1
April 2010	S. Main St.	2	2	1	0
May 2010	Hillandale	17	16	7	5
June 2010	Maplehurst/JMU	2	2	6	5
July 2010	Long Ave/Norwood	17	17	12	28
August 2010	Greystone	13	13	13	10
September 2010	Greendale/SE	5	5	3	2
October 2010	Ramblewood	1	1	4	8
November 2010	Stone Spring Village/JMU	0	0	2	10
December 2010	Sunset Heights	10	10	7	29
January 2011	Reherd Acres	9	9	10	12
February 2011	RT 33 West	6	6	0	16
March 2011	Chicago Ave	29	29	16	22
April 2011	Pleasant Hill	17	17	4	13
May 2011	Avalon Woods	11	11	7	26
June 2011	Waterman Elementary	18	18	6	61
July 2011	Keister Elem	8	7	3	33
August 2011	500-600 S. Main	16	n/a	6	5
September 2011	Court Square			7	30
October 2011	Bluestone Hills & Valley Mall			0	3
November 2011	Preston Heights			8	3

The proactive-zoning program for September 2011 will be directed towards the enforcement of the Zoning Ordinance in the **Court Square** section of the City.

# Proactive Zoning Map

